

# The Second Amendment to the 1945 Constitution<sup>(1)</sup>

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## Chapter VI

### Regional Authorities

#### Article 18

- (1) The Unitary State of the Republic of Indonesia shall be divided into provinces and those provinces shall be divided into regencies (*kabupaten*) and municipalities (*kota*), each of which shall have regional authorities, as regulated by law.
- (2) The authorities of the provinces, regencies and municipalities shall administer and manage their own affairs according to the principles of regional autonomy and the duty of assistance (*tugas pembantuan*).
- (3) The authorities of the provinces, regencies and municipalities shall include for each a Regional People's Representative Assembly (DPRD) whose members shall be elected by general election.
- (4) Governors, Regents and Mayors, respectively as head of government of the provinces, regencies and municipalities, shall be elected democratically.
- (5) The regional authorities shall exercise wide-ranging autonomy, except in matters provided by law to be the affairs of the central government.
- (6) The regional authorities shall have the authority to adopt regional regulations and other regulations to implement autonomy and the duty of assistance.
- (7) The structure and administrative mechanisms of regional authorities shall be regulated by law.

#### Article 18A

(1) The authority relations between the central government and the regional authorities of the provinces, regencies and municipalities, or between a province and its regencies and municipalities, shall be regulated by law having regard to the distinctiveness and diversity of each region.

(2) The relations between the central government and regional authorities in finances, public services and use of natural and other resources shall be regulated and administered with justice and equity according to law.

### **Article 18B**

(1) The state shall acknowledge and respect units of regional authorities that are special and distinct, which shall be regulated by law.

(2) The state shall acknowledge and respect traditional societies along with their customary rights as long as these remain in existence and are in accordance with the societal development and the principles of the Unitary State of the Republic of Indonesia, and shall be regulated by law.

## **Chapter VII**

### **People's Representative Assembly**

*(Dewan Perwakilan Rakyat or DPR)*

### **Article 19**

(1) Members of the DPR shall be elected by general election.

(2) The structure of the DPR shall be regulated by law.

(3) The DPR shall meet at least once a year.



## **Article 20**

- (1) The DPR shall hold the authority to establish laws.
- (2) Each bill shall be discussed by the DPR and the President to reach joint approval.
- (3) If a bill fails to reach joint approval, that bill shall not be introduced again in the same DPR term of sessions.
- (4) The President signs a jointly approved bill to become a law.
- (5) If the President fails to sign a jointly approved bill within 30 days following such approval, that bill shall legally become a law and must be promulgated.

## **Article 20A**

- (1) The DPR shall hold legislative, budgeting and oversight functions.
- (2) In carrying out its functions, in addition to the rights regulated in other articles of this Constitution, the DPR shall hold interpellation (*interpelasi*), investigative (*angket*), and opinion rights.
- (3) Other than the rights regulated in other articles of this Constitution, every DPR member shall hold the rights to propose questions, to convey suggestions and opinions, and of immunity.
- (4) Further provisions concerning the rights of the DPR and the rights of DPR members shall be regulated by law.

## **Article 21**

DPR members shall have the right to submit proposed bills.

## **Article 22**

(1) Should exigencies compel, the President shall have the right to establish government regulations in lieu of laws.

(2) Such government regulations must obtain the approval of the DPR during its next session.

(3) Should there be no such approval, these government regulations shall be revoked.

### **Article 22A**

Further provisions concerning the procedures to establish laws shall be regulated by law.

### **Article 22B**

DPR members may be removed from office, whose conditions and procedures shall be regulated by law.

## **Chapter IXA**

### **State Territory**

### **Article 25E**

The Unitary State of the Republic of Indonesia is an archipelagic state, the boundaries and rights of whose territory shall be established by law.

## **Chapter X**

### **Citizens and Residents**



## **Article 26**

- (1) Citizens shall consist of indigenous Indonesian peoples and persons of foreign origin who have been legalised as citizens in accordance with law.
- (2) Residents shall consist of Indonesian citizens and foreigners living in Indonesia.
- (3) Matters concerning citizens and residents shall be regulated by law.

## **Article 27**

- (1) All citizens shall be equal before the law and the government and shall be required to respect the law and the government, with no exceptions.
- (2) Every citizen shall have the right to work and to earn a humane livelihood.
- (3) Each citizen has the right and duty to participate in the effort of defending the state.

## **Article 28**

The freedom to associate and to assemble, to express written and oral opinions, etc., shall be regulated by law.

## **Chapter XA**

### **Human Rights**

#### **Article 28A**

Every person shall have the right to live and to defend his/her life and existence.

#### **Article 28B**

- (1) Every person shall have the right to establish a family and to procreate based upon lawful marriage.
- (2) Every child shall have the right to live, to grow and to develop, and shall have the right to protection from violence and discrimination.

### **Article 28C**

- (1) Every person shall have the right to better him/herself through the fulfillment of his/her basic needs, the right to education and to benefit from science and technology, art and culture, for the purpose of improving the quality of his/her life and for the welfare of the human race.
- (2) Every person shall have the right to improve him/herself through collective struggle for his/her rights to develop his/her society, nation and state.

### **Article 28D**

- (1) Every person shall have the right to recognition, guarantees, protection and certainty before a just law, and to equal treatment before the law.
- (2) Every person shall have the right to work and to receive fair and proper recompense and treatment in employment.
- (3) Every citizen shall have the right to obtain equal opportunities in government.
- (4) Every person shall have the right to citizenship status.

### **Article 28E**

- (1) Every person shall be free to embrace and to practice the religion of his/her choice, to choose one's education, to choose one's employment, to choose one's citizenship, and to choose one's place of residence within the state territory, to leave it and to subsequently return to it.
- (2) Every person shall have the right to the freedom to hold beliefs (*kepercayaan*), and to express his/her views and thoughts, in accordance with his/her conscience.



(3) Every person shall have the right to the freedom to associate, to assemble and to express opinions.

### **Article 28F**

Every person shall have the right to communicate and to obtain information for the purpose of the development of his/her self and social environment, and shall have the right to seek, obtain, possess, store, process and convey information by employing all available types of channels.

### **Article 28G**

(1) Every person shall have the right to protection of self, family, honor, dignity, and property, and shall have the right to feel secure against and receive protection from the threat of fear to do or not do something that is a human right.

(2) Every person shall have the right to be free from torture or inhuman and degrading treatment, and shall have the right to obtain political asylum from another country.

### **Article 28H**

(1) Every person shall have the right to live in physical and spiritual prosperity, to have a home and to enjoy a good and healthy environment, and shall have the right to obtain medical care.

(2) Every person shall have the right to receive facilitation and special treatment to have the same opportunity and benefit in order to achieve equality and fairness.

(3) Every person shall have the right to social security in order to develop oneself fully as a dignified human being.

(4) Every person shall have the right to own personal property, and such right may not be arbitrarily interfered with by any party.

### **Article 28I**

(1) The rights to life, freedom from torture, freedom of thought and conscience, freedom of religion, freedom from enslavement, recognition as a person before the law, and the right not to be tried under a

law with retrospective effect are all human rights that cannot be limited under any circumstances.

(2) Every person shall have the right to be free from discriminative treatment based upon any grounds whatsoever and shall have the right to protection from such discriminative treatment.

(3) The cultural identities and rights of traditional communities shall be respected in accordance with the development of times and civilisations.

(4) The protection, advancement, upholding and fulfilment of human rights are the responsibility of the state, especially the government

(5) For the purpose of upholding and protecting human rights in accordance with the principle of a democratic and law-based state, the implementation of human rights shall be guaranteed, regulated and set forth in laws and regulations.

### **Article 28J**

(1) Every person shall have the duty to respect the human rights of others in the orderly life of the community, nation and state.

(2) In exercising his/her rights and freedoms, every person shall have the duty to accept the restrictions established by law for the sole purposes of guaranteeing the recognition and respect of the rights and freedoms of others and of satisfying just demands based upon considerations of morality, religious values, security and public order in a democratic society.

## **Chapter XII**

### **State Defence and Security**

#### **Article 30**

(1) Every citizen shall have the right and duty to participate in the defence and security of the state.

(2) The defence and security of the state shall be conducted through the total people's defence and security system, with the Indonesian National Military (TNI) and the Indonesian National Police (POLRI) as the main force, and the people as the supporting force.



(3) TNI, consisting of the Army, Navy and Air Force, as an instrument of the state has the duty to defend, protect, and maintain the integrity and sovereignty of the state.

(4) POLRI, as an instrument of the state that maintains public order and security, has the duty to protect, guard, and serve the people, and to uphold the law.

(5) The structure and status of TNI and POLRI, the authority relationships between TNI and POLRI in performing their respective duties, the conditions concerning the participation of citizens in the defence and security of the state, and other matters related to defence and security, shall be regulated by law.

## **Chapter XV**

### **National Flag, Language, Coat of Arms and Anthem**

#### **Article 35**

The national flag of Indonesia shall be the Red and White (*Sang Merah Putih*).

#### **Article 36**

The national language shall be Indonesian (*Bahasa Indonesia*).

#### **Article 36A**

The national coat of arms shall be the Pancasila eagle (*Garuda Pancasila*) with the motto Unity in Diversity (*Bhinneka Tunggal Ika*).

#### **Article 36B**

The national anthem shall be *Indonesia Raya*.

## **Article 36C**

Further provisions regarding the national flag, language, coat of arms and anthem shall be regulated by law.

1. Where the Second Amendment only affected portions of an article, the remainder of the article from the original 1945 Constitution or the First Amendment is also included in this appendix.