

COMPILATION OF CONSTITUTIONAL AND LEGISLATIVE PROVISIONS ON TREATY PRACTICE OF THE REPUBLIC OF INDONESIA

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IMPORTANT NOTES

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This document was last amended in December 2012.

1. Constitution of the Republic of Indonesia 1945

(as amended, most recently in 2002)

[Extracts of relevant provisions]

...

Article 11:

- (1)** The President with the approval of the DPR may declare war, make peace and conclude treaties with other countries.
- (2)** The President in making other international agreements that will produce an extensive and fundamental impact on the lives of the people, which is linked to the state financial burden, and/or that will require an amendment to or the enactment of a law, shall obtain the approval of the DPR.
- (3)** Further provisions regarding international agreements shall be regulated by law.

Notes:

- The full text of the Indonesian Constitution (English translation) can be accessed on the website of the Embassy of the Republic of Indonesia in Washington DC:
<http://www.embassyofindonesia.org/about/pdf/IndonesianConstitution.pdf>
- The full text of the Indonesian Constitution in its original language can be accessed on the website of the People's Consultative Assembly:
<http://www.mpr.go.id/pages/produk-mpr/uud-1945>

2. Statutory Provisions Related to Treaty Practice

A Law No. 24 of 2000 on International Treaties

[Summary of contents]

The Law consists of:

1. Chapter I – General provisions (Articles 1 – 3).
2. Chapter II – Conclusion of international treaties (Articles 4- 8).
3. Chapter III – Ratification or accession of international treaties (Articles 9 – 14).
4. Chapter IV – Implementation of international treaties (Articles 15 – 16).
5. Chapter V – Record keeping (Article 17).
6. Chapter VI – Termination of international treaties (Articles 18 – 20).

Note:

There is no English translation of this Law; summary of its contents is based on an English translation produced by CIL. The full text of this Law (in Indonesian) can be accessed on the website of the Indonesian Ministry of Foreign Affairs at: <http://www.kemlu.go.id/PeraturanTerkait/UU%20No.24%20Tahun%202000.pdf>

B Law No. 37 of 1999 on Foreign Relations

[Extracts of relevant provisions]

...

Article 13:

State institutions and government agencies that plan to enter into an international treaty shall initially consult the Minister of Foreign Affairs.

Article 14:

Government officials that sign an international treaty concluded between the Government of the Republic of Indonesia and the government of another country, or international organization, or other subjects of international law, shall obtain full power from the Minister of Foreign Affairs.

Note:

There is no English translation of this Law; the above English translation was produced by CIL. The full text of this Law (in Indonesian) can be accessed on the website of the Indonesian Ministry of Foreign Affairs: <http://www.kemlu.go.id/Pages/ShowPdf.aspx?Name=Law&IDP=8>

C Law No. 17 of 2003 on State Finance

[Extracts of relevant provisions]

...

Article 8 point (d):

In relation to his power over fiscal management, the finance minister is authorized to ... conclude international treaties in financial matters.

Note:

There is no English translation of this Law; the above English translation was produced by CIL. The full text of this Law (in Indonesian) can be accessed on the website of the Indonesian Ministry of Finance at:

<http://www.sjih.depkeu.go.id/fullText/2003/17Tahun2003UU.HTM>

D Law No. 32 of 2004 on Regional Government

[Extract of relevant provisions]

...

Article 10:

- (1) The Regional Government holds the authority to govern the Region except for affairs designated under the authority of the Central Government by this Law.
- (2) ... the Regional Government shall implement its regional autonomy in a broad possible manner to regulate and administer its Region's affairs based on the principles of autonomy and 'tugas perbantuan.'
- (3) Governance affairs that fall under the authority of the Central Government include: a) foreign politics; b) defense; c) security; d) judiciary; e) national fiscal and monetary; and f) religion.

...

Article 42:

- (1) The Regional Parliament has the obligation and authority to

...

- (b) conduct supervision on the implementation of regional regulation and legislations, ... and international cooperation in the region

...

- (f) give its opinion and consideration to the regional government concerning international treaties in the region.

...

Notes:

- The English translation of this Law is not available; the above English translation was produced by CIL.
- In Article 10(2), the Law uses the term ‘tugas perbantuan’; there is no equivalent term for ‘tugas perbantuan’ in English so far.
- The full text of this Law (in Indonesian) can be accessed on the website of the Indonesian Commission on General Election:

http://www.kpu.go.id/dmdocuments/UU_32_2004_Pemerintahan%20Daerah.pdf

E Law No. 12 of 2011 on the Formulation Procedure for Legislation

[Extract of relevant provisions]

...

Article 10(1):

Subject matter that shall be regulated by way of legislation consists of:

...

(c) ratification of certain international treaties

...

Article 23

(1) The open cumulative list in the national legislation program consists of:

a. Ratification of certain international treaties

...

Note:

There is no English translation of this Law; the above English translation was produced by CIL. The full text of this Law in its original language can be accessed on the website of the Directorate General on Legislations, Ministry of Law and Human Rights:

<http://www.djpp.depkmham.go.id/inc/buka.php?czozMjoiZD0yMDAwKzExJmY9dXUxMi0yMDExYnQuaHRtJmpzPTEiOw==>

3. Other Instrument related to Treaty Practice

The Directorate General of Legal Affairs and Treaties of the Ministry of Foreign Affairs has issued a Guideline to Treaty Making under Law No. 24 of 2000. The guideline in general describes:

- Internal and inter-departmental processes within executive bodies in relation to the signing and/or ratifying/acceding to an international treaty.
- Notification process upon submission of an instrument of ratification/accession.

Note:

The Guideline is not available online; the Guideline is available in hardcopy and made available to CIL by the Indonesian Ministry of Foreign Affairs.

4. Official Online Source on Treaty Status Information

There is a list of international treaties that Indonesia has ratified/acceded to that is maintained by the Ministry of Foreign Affairs, so far the list is only maintained in Bahasa Indonesia. The list is available at:

<http://naskahperjanjian.kemlu.go.id/>