

LAW OF THE REPUBLIC OF INDONESIA
NUMBER 12 OF 2011
ON
LEGISLATION MAKING

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that in order to realize Indonesia as a law-based State, the State must develop its national law in a planned, integrated, and sustainable manner under a national legal framework that protects the people's rights and obligations under the 1945 Constitution of the Republic of Indonesia;
 - b. that in order to fulfill the public need for good legislation, it is necessary to make a regulation on legislation making based on fixed and standard procedures and methods that bind all institutions authorized to make legislation;
 - c. that Law Number 10 of 2004 on Legislation Making still contains weaknesses and does not fully accommodate the public need for regulations on good legislation making, and therefore needs to be replaced;
 - d. that based on the considerations as referred to in point a, point b, and point c, it is necessary to enact Law on Legislation Making;

Observing : Article 20, Article 21, and Article 22A of the 1945 Constitution of the Republic of Indonesia;

With the Joint Approval of
THE HOUSE OF REPRESENTATIVES
And
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAS DECIDED:

To enact : LAW ON LEGISLATION MAKING.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Law:

1. Legislation Making means the making of Legislation covering the stages of planning, preparation, discussion, endorsement, enactment or issuance, and promulgation.
2. Legislation means written regulations containing generally binding legal norms and made or enacted and issued by authorized State institutions or officials through a procedure established in Legislation.
3. Law means Legislation made by the House of Representatives with the joint approval of the President.
4. Government Regulation in Lieu of Law means Legislation issued by the President in emergency situation.
5. Government Regulation means Legislation issued by the President to implement the Law accordingly.
6. Presidential Regulation means Legislation issued by the President to implement superior Legislation or to exercise the government's authority.
7. Provincial Regulation means regional Legislation made by the Provincial House of Representatives with the joint approval of the Governor.
8. Regency/Municipal Regulation means regional Legislation made by the Regency/Municipal House of Representatives with the joint approval of the Regent/Mayor.

9. National Legislation Program (*Program Legislasi Nasional*), hereinafter referred to as Prolegnas, means a law-making program planning instrument developed in a planned, integrated, and systematic way.
10. Regional Legislation Program (*Program Legislasi Daerah*), hereinafter referred to as Prolegda, means a Provincial Regulation or Regency/Municipal Regulation-making program planning instrument developed in a planned, integrated, and systematic way.
11. Academic Draft means a paper written based on a legal review or study and other studies on a specific issue accountable scientifically on the regulation of the issue in a draft Law, a draft Provincial Regulation, or a draft Regency/Municipal Regulation as a solution to legal issues and needs of the public.
12. Promulgation means the placement of Legislation in the State Gazette of the Republic of Indonesia, the Supplement to the State Gazette of the Republic of Indonesia, the State Bulletin of the Republic of Indonesia, the Supplement to the State Bulletin of the Republic of Indonesia, the Regional Gazette, the Supplement to the Regional Gazette, or the Regional Bulletin.
13. Material Content of Legislation means the content of Legislation which is consistent with the type, function and hierarchy of Legislation.
14. House of Representatives (*Dewan Perwakilan Rakyat*), hereinafter referred to as the DPR, means the House of Representatives as referred to in the 1945 Constitution of the Republic of Indonesia.
15. Regional Representative Council (*Dewan Perwakilan Daerah*), hereinafter referred to as the DPD, means the Regional Representative Council as referred to in the 1945 Constitution of the Republic of Indonesia.
16. Regional House of Representatives (*Dewan Perwakilan Rakyat Daerah*), hereinafter referred to as the DPRD, means the Regional House of Representatives as referred to in the 1945 Constitution of the Republic of Indonesia.

Article 2

Pancasila constitutes the ultimate source of all sources of State laws.

Article 3

- (1) The 1945 Constitution of the Republic of Indonesia constitutes the fundamental norm of any Legislation.
- (2) The 1945 Constitution of the Republic of Indonesia is placed in the State Gazette of the Republic of Indonesia.
- (3) The placement of the 1945 Constitution of the Republic of Indonesia in the State Gazette is not a basis for its legality.

Article 4

The Legislation regulated under this Law cover Laws and subordinate Legislation.

CHAPTER II
LEGISLATION MAKING PRINCIPLES

Article 5

Legislation making must be based on the principles of good Legislation making as follows:

- a. clear purpose;
- b. competent State institution or official;
- c. conformity between type, hierarchy, and material content;
- d. enforceability;
- e. efficiency and effectiveness;
- f. clear formulation; and
- g. transparency.

Article 6

- (1) Material content of Legislation must reflect the following principles:
 - a. protection;
 - b. humanity;
 - c. nationality;
 - d. brotherhood;

- e. archipelagic nationhood;
 - f. unity in diversity;
 - g. justice;
 - h. equality before the law and in the government;
 - i. legal order and certainty; and/or
 - j. balance, orderliness, and harmony.
- (2) In addition to the principles as referred to in section (1), certain Legislation may contain other principles specific to legal field of such Legislation.

CHAPTER III

TYPE, HIERARCHY, AND MATERIAL CONTENT OF LEGISLATION

Article 7

- (1) Types and hierarchy of Legislation are as follows:
- a. the 1945 Constitution of the Republic of Indonesia;
 - b. the People's Consultative Assembly Decision;
 - c. Law/Government Regulation in Lieu of Law;
 - d. Government Regulation;
 - e. Presidential Regulation;
 - f. Provincial Regulation; and
 - g. Regency/Municipal Regulation.
- (2) The legal force of Legislation conforms to the hierarchy as referred to in section (1).

Article 8

- (1) Types of Legislation other than those as referred to in Article 7 section (1) include regulations issued by the People's Consultative Assembly, the House of Representatives, the Regional Representatives Council, the Supreme Court, the Constitutional Court, the Audit Board, the Judicial Commission, Bank Indonesia, Ministers, State agencies, State institutions or equivalent commissions established by a Law or by the Government by order of a Law, the Provincial House of Representatives, Governor, the Regency/Municipal House of Representatives, Regent/Mayor, Head of Village or equivalent.

- (2) The Legislation as referred to in section (1) is recognized and legally binding if it is ordered by superior Legislation or is made by virtue of authority.

Article 9

- (1) In the event that a Law is considered contradictory to the 1945 Constitution of the Republic of Indonesia, the review on the Law is carried out by the Constitutional Court.
- (2) In the event that Legislation subordinate to Law is considered contradictory to a Law, the review on the Legislation is carried out by the Supreme Court.

Article 10

- (1) Material content of a Law contains:
 - a. further regulation of the provisions of the 1945 Constitution of the Republic of Indonesia;
 - b. order of a certain Law to be regulated by Law;
 - c. ratification of certain treaties;
 - d. follow-up on Constitutional Court's judgment; and/or
 - e. fulfillment of public legal needs.
- (2) The follow-up on Constitutional Court's judgment as referred to in section (1) point d is carried out by the DPR or by the President.

Article 11

Material contents of a Government Regulation in Lieu of Law are similar to those of a Law.

Article 12

Material contents of a Government Regulation contain matters to implement the Law accordingly.

Article 13

Material contents of a Presidential Regulation contain matters ordered by a Law, matters to implement a Government Regulation, or matters to exercise government's authority.

Article 14

Material contents of a Provincial Regulation and a Regency/Municipal Regulation contain matters related to the implementation of regional autonomy and assistance, accommodation of specific conditions of regions and/or implementation of superior Legislation.

Article 15

- (1) Material contents regarding criminal provisions may only be regulated in the following types of Legislation:
 - a. Law;
 - b. Provincial Regulation; or
 - c. Regency/Municipal Regulation.
- (2) The criminal provisions as referred to in section (1) point b and point c are in the form of a confinement for a maximum of 6 (six) months or a maximum fine of Rp50,000,000,00 (fifty million rupiah).
- (3) Provincial Regulations or Regency/Municipal Regulations may stipulate a confinement or a fine other than those as referred to in section (2) in accordance with the provisions of other Legislation.

CHAPTER IV

PLANNING OF LEGISLATION

Part One

Planning of Laws

Article 16

Preparation planning of Laws is made in Prolegnas.

Article 17

The Prolegnas as referred to in Article 16 is the priority scale of Laws making in order to develop the national legal system.

Article 18

Preparation of list of draft Laws in the Prolegnas as referred to in Article 16 is based on:

- a. order of the 1945 Constitution of the Republic of Indonesia;
- b. order of the People's Consultative Assembly Decision;
- c. order of other Laws;
- d. national development planning system;
- e. national long-term development plan;
- f. medium-term development plan;
- g. government's work plan, DPR's strategic plan, and DPD's strategic plan; and
- h. public aspiration and legal needs.

Article 19

- (1) The Prolegnas as referred to in Article 16 contains the program of Law making with the draft Law's title, regulated matters, and its relation to other Legislation.
- (2) The regulated matters and their relation to other Legislation as referred to in section (1) are description of the draft Law's conception on:
 - a. background and purpose of preparation;
 - b. targets expected to achieve; and
 - c. regulatory scope and direction.
- (3) The regulated matters as referred to in section (2) that have been reviewed and synchronized are drawn up in an Academic Draft.

Article 20

- (1) Preparation of Prolegnas is conducted by the DPR, the DPD and the Government.
- (2) Prolegnas is determined for a medium-term period and annual period in accordance with the priority scale of preparation of draft Laws.
- (3) The Medium-term Prolegnas are prepared and determined at the beginning of the term of the DPR's membership for a period of 5 (five) years.
- (4) Medium-term Prolegnas may be evaluated at the end of each year at the same time with the preparation and determination of annual priority Prolegnas.

- (5) Preparation and determination of annual priority Prolegnas as the implementation of medium-term Prolegnas are conducted every year prior to the determination of draft Law on State Budget.

Article 21

- (1) Preparation of Prolegnas between the DPR, the DPD and the Government is coordinated by DPR's complementary organ for Legislation affairs.
- (2) Preparation of Prolegnas within the DPR's scope is coordinated by DPR's complementary organ for Legislation affairs.
- (3) The preparation of Prolegnas within the DPR's scope as referred to in section (2) takes into account the proposals of the factions, the commissions, the DPR's members, the DPD, and/or the public.
- (4) Preparation of Prolegnas within the Government's scope is coordinated by the minister administering government affairs in legal field.
- (5) Further provisions regarding the procedure for the preparation of Prolegnas as referred to in section (1), section (2), and section (3) are regulated in DPR Regulation.
- (6) Further provisions regarding the procedure for the preparation of Prolegnas within the Government's scope as referred to in section (4) are regulated in Presidential Regulation.

Article 22

- (1) Result of the preparation of Prolegnas between the DPR, the DPD and the Government as referred to in Article 21 section (1) is approved as Prolegnas and decided in the DPR's Plenary Session.
- (2) The Prolegnas as referred to in section (1) is stipulated in DPR Decision.

Article 23

- (1) Prolegnas contains an open cumulative list of:
 - a. ratification of certain treaties;
 - b. due to the decision of the Constitutional Court;
 - c. State Budget;
 - d. formation, division, and integration of regions of Province and/or of Regency/Municipality; and
 - e. enactment/repeal of Government Regulation in Lieu of Law.
- (2) Under certain circumstances, the DPR, the DPD, or the President may propose a draft Law apart from Prolegnas to address:
 - a. extraordinary circumstances, state of conflict, or natural disaster; and
 - b. other certain circumstances that ensure the existence of national urgency for a Draft Law to be mutually agreed by the DPR's complementary organ for Legislation affairs and the minister administering government affairs in legal field.

Part Two

Planning of Government Regulations

Article 24

The preparation planning of Government Regulations is made in a program for preparation of Government Regulation.

Article 25

- (1) The preparation planning of Government Regulation as referred to in Article 24 contains a list of titles and subject matters of draft Government Regulation to implement the Law accordingly.
- (2) The planning as referred to in section (1) is determined for a period of 1 (one) year.

Article 26

- (1) The preparation planning of Government Regulation as referred to in Article 25 is coordinated by the minister

administering government affairs in legal field.

- (2) The preparation planning of Government Regulation as referred to in section (1) is stipulated in Presidential Decision.

Article 27

Draft Government Regulation is initiated by a ministry and/or a non-ministerial institution in accordance with their respective scopes of duty.

Article 28

- (1) Under certain circumstances, a ministry or a non-ministerial institution may propose a Draft Government Regulation apart from the preparation planning of Government Regulations.
- (2) The draft Government Regulation proposed under certain circumstances as referred to in section (1) is made as required by a Law or the decision of the Supreme Court.

Article 29

Further provisions regarding the procedure for the preparation planning of Government Regulations are regulated in Presidential Regulation.

Part Three

Planning of Presidential Regulation

Article 30

The preparation planning of Presidential Regulation is made in a program for preparation of Presidential Regulation.

Article 31

The provisions regarding the preparation planning of Government Regulations as referred to in Article 24 to Article 29 apply *mutatis mutandis* to the preparation planning of Presidential Regulation.

Part Four
Planning of Provincial Regulation

Article 32

The preparation planning of Provincial Regulation is made in Provincial Prolegda.

Article 33

- (1) The Prolegda as referred to in Article 32 contains the program for making Provincial Regulation with the title of Draft Provincial Regulation, regulated matters, and in relation to other Legislation.
- (2) The regulated matters and its relation to other Legislation as referred to in section (1) are a description of the Draft Provincial Regulation's conception on:
 - a. background and purpose of preparation;
 - b. targets expected to achieve;
 - c. concept, coverage, or regulated objects; and
 - d. regulatory scope and direction.
- (3) The regulated matters as referred to in section (2) that have been reviewed and synchronized are drawn up in an Academic Draft.

Article 34

- (1) Provincial Prolegda is prepared by the Provincial DPRD and the Provincial Government.
- (2) Provincial Prolegda is determined for a period of 1 (one) year in accordance with the priority scale of preparation of Draft Provincial Regulation.
- (3) Preparation and determination of Provincial Prolegda are conducted annually prior to stipulation of Draft Provincial Regulation on Provincial Budget.

Article 35

Preparation of list of draft provincial regulations in the Provincial Prolegda as referred to in Article 34 section (1), is based on:

- a. order of superior Legislation;
- b. regional development planning;
- c. implementation of regional autonomy and assistance; and
- d. aspiration of local community.

Article 36

- (1) Preparation of Provincial Prolegda between the Provincial DPRD and the Provincial Government is coordinated by the Provincial DPRD's complementary organ for Legislation affairs.
- (2) Preparation of Provincial Prolegda within the Provincial DPRD scope is coordinated by the Provincial DPRD's complementary organ for Legislation affairs.
- (3) Preparation of Provincial Prolegda within the Provincial Government scope is coordinated by the legal bureau and may engage the related vertical government institutions.
- (4) Further provisions regarding the procedure for preparation of Provincial Prolegda within the Provincial DPRD scope as referred to in section (2) are regulated in Provincial DPRD Regulation.
- (5) Further provisions regarding the procedure for the preparation of Provincial Prolegda within the Provincial Government scope as referred to in section (3) are regulated in Governor Regulation.

Article 37

- (1) Result of the preparation of Provincial Prolegda between the Provincial DPRD and the Provincial Government as referred to in Article 36 section (1) is approved as Provincial Prolegda and decided in the Provincial DPRD's Plenary Session.
- (2) The Provincial Prolegda as referred to in section (1) is stipulated in Provincial DPRD Decision.

Article 38

- (1) Provincial Prolegda may contain an open cumulative list of:
 - a. due to the decision of the Supreme Court; and

- b. Provincial Budget.
- (2) Under certain circumstances, the Provincial DPRD or the Governor may propose a draft Provincial Regulation apart from Provincial Prolegda:
 - a. to address extraordinary circumstances, state of conflict, or natural disaster;
 - b. due to cooperation with other parties; and
 - c. due to other certain circumstances that ensure the existence of urgency for a Draft Provincial Regulation to be mutually agreed by the Provincial DPRD's complementary organ for Legislation affairs and the legal bureau.

Part Five

Planning of Regency/Municipal Regulation

Article 39

The preparation planning of Regency/Municipal Regulation is made in Regency/Municipal Prolegda.

Article 40

The provisions regarding the preparation planning of Provincial Regulation as referred to in Article 32 to Article 38 apply *mutatis mutandis* to the preparation planning of Regency/Municipal Regulation.

Article 41

Regency/Municipal Prolegda may contain an open cumulative list of formation, division, and integration of District or other names and/or formation, division, and integration of Village or other names.

Part Six

Planning of Other Legislation

Article 42

- (1) The preparation planning of other Legislation as referred to in Article 8 section (1) is under the authority of and adapted to the needs of the respective institution, commission, or

agency.

- (2) The planning as referred to in section (1) is set up for a period of 1 (one) year by the respective institution, commission, or agency.

CHAPTER V PREPARATION OF LEGISLATION

Part One Preparation of Law

Article 43

- (1) A Draft Law may be initiated by either the DPR, the DPD or the President.
- (2) The DPR-initiated Draft Law as referred to in section (1) may be proposed by the DPD.
- (3) A Draft Law initiated by either the DPR, the President, or the DPD must be accompanied by an Academic Draft.
- (4) The provision as referred to in section (3) does not apply to a Draft Law on:
 - a. State Budget;
 - b. enactment of Government Regulation in Lieu of Law as a Law; or
 - c. repeal of Law or Government Regulation in Lieu of Law.
- (5) The Draft Law as referred to in section (4) is accompanied by a description of the concept and the regulated material content.

Article 44

- (1) Academic Draft for a Draft Law is prepared in accordance with the technique of drafting an Academic Draft.
- (2) Provisions regarding the technique of drafting an Academic Draft as referred to in section (1) are attached in Annex I as an integral part of this Law.

Article 45

- (1) Preparation of a Draft Law initiated by either the DPR or the

President and a Draft Law proposed by the DPD to the DPR is based on Prolegnas.

- (2) The Draft Law proposed by the DPD as referred to in section (1) is a Draft Law relating to:
 - a. regional autonomy;
 - b. relation between central and local government;
 - c. formation, division, and integration of regions;
 - d. management of natural resources and other economic resources; and
 - e. fiscal balance between central and local government.

Article 46

- (1) A Draft Law initiated by the DPR may be proposed by the DPR's members, the commission, the joint commission, or its complementary organ for Legislation affairs, or by the DPD.
- (2) Harmonization, unification and consolidation of conception of DPR-initiated Draft Law are coordinated by its complementary organ for Legislation affairs.
- (3) Further provisions regarding the procedure for preparation of the Draft Law as referred to in section (1) are regulated in DPR Regulation.

Article 47

- (1) A Draft Law initiated by the President is prepared by a minister or a head of non-ministerial institution in accordance with their respective scope of duties and responsibilities.
- (2) In order to prepare a Draft Law, the minister or the head of non-ministerial institution forms an inter-ministerial and/or inter-non-ministerial committee.
- (3) Harmonization, unification and consolidation of conception of President-initiated Draft Law are coordinated by the minister administering government affairs in legal field.
- (4) Further provisions regarding the procedure for preparation of the Draft Law as referred to in section (1) are regulated in Presidential Regulation.

Article 48

- (1) A Draft Law proposed by the DPD is submitted in writing by the DPD leadership to the DPR leadership and to the President and must be accompanied by an Academic Draft.
- (2) The proposed Draft Law as referred to in section (1) is forwarded by the DPR leadership to the DPR's complementary organ for Legislation affairs for harmonization, unification and consolidation of the Draft Law's conception.
- (3) In carrying out the harmonization, unification and consolidation of the Draft Law's conception, the complementary organ as referred to in section (2) may invite the leadership of the DPD's legal drafting organ to discuss the proposed draft Law.
- (4) The complementary organ as referred to in section (2) submits a written report on the results of the harmonization as referred to in section (3) to the DPR leadership to be subsequently announced in the plenary session.

Article 49

- (1) A Draft Law initiated by the DPR is submitted with a DPR Leadership's letter to the President, and to the DPD leadership if the Draft Law contains matters relating to regional autonomy, relation between central and local government; formation, division, and integration of regions, management of natural resources and other economic resources; and fiscal balance between central and local government.
- (2) The President not later than 60 (sixty) days as of the receipt of the DPR leadership's letter, assigns a minister to discuss the Draft Law with the DPR.
- (3) The minister as referred to in section (2) coordinates the preparation of discussion with the minister administering government affairs in legal field.

Article 50

- (1) A Draft Law initiated by the President is submitted with a Presidential letter to the DPR Leadership, and to the DPD

Leadership if the Draft Law contains matters relating to regional autonomy, relation between central and local government; formation, division, and integration of regions, management of natural resources and other economic resources; and fiscal balance between central and local government.

- (2) The Presidential letter as referred to in section (1) contains the appointment of the minister who is assigned to represent the President to discuss the Draft Law with the DPR.
- (3) The DPR within 60 (sixty) days as of the receipt of the Presidential letter, begin the discussion of the Draft law as referred to in section (1).
- (4) For the purpose of the discussion of Draft Law in the DPR, the minister or the head of the initiating institution provides sufficient copies of the Draft Law.

Article 51

If in the same sitting period the DPR and the President concurrently submit a Draft Law containing similar matters, the discussion is focused on the Draft Law submitted by the DPR whereas the draft Law submitted by the President is used as a comparative draft.

Part Two

Preparation of Government Regulation in Lieu of Law

Article 52

- (1) A proposed Government Regulation in Lieu of Law must be submitted to the DPR in its subsequent sitting period.
- (2) The submission of the proposed Government Regulation in Lieu of Law as referred to in section (1) is in the form of submission of a Draft Law on enactment of the Government Regulation in Lieu of Law as a Law.
- (3) The DPR only approves or does not approve a Government Regulation in Lieu of Law.
- (4) In the event that a Government Regulation in Lieu of Law is

approved by the DPR in its plenary session, the Government Regulation in Lieu of Law is enacted as a Law.

- (5) In the event that a Government Regulation in Lieu of Law is not approved by the DPR in its plenary session, the Government Regulation in Lieu of Law must be repealed and declared ineffective.
- (6) In the event that the Government Regulation in Lieu of Law is repealed and declared ineffective as referred to in section (5), either the DPR or the President submits a Draft Law on Repeal of the Government Regulation in Lieu of Law.
- (7) The Draft Law on Repeal of the Government Regulation in Lieu of Law as referred to in section (6) regulates all legal consequences arising from such repeal.
- (8) The Draft Law on Repeal of the Government Regulation in Lieu of Law as referred to in section (7) is enacted as a Law on Repeal of Government Regulation in Lieu of Law in the same plenary session as referred to in section (5).

Article 53

Provisions regarding the procedure for preparation of Draft Government Regulation in Lieu of Law are regulated in a Presidential Regulation.

Part Three

Preparation of Government Regulation

Article 54

- (1) In order to prepare a Draft Government Regulation, the initiator forms a committee of inter-ministerial and/or inter-non-ministerial institutions.
- (2) Harmonization, unification and consolidation of conception of Draft Government Regulation are coordinated by the minister administering government affairs in legal field.
- (3) Further provisions regarding the procedure for formation of inter-ministerial and/or inter-non-ministerial committee, harmonization, preparation, and submission of Draft Government Regulation are regulated in Presidential Regulation.

Part Four
Preparation of Presidential Regulation

Article 55

- (1) In order to prepare a Draft Presidential Regulation, the initiator forms an inter-ministerial and/or inter-non-ministerial committee.
- (2) Harmonization, unification and consolidation of the conception of a Draft Presidential Regulation are coordinated by the minister administering government affairs in legal field.
- (3) Further provisions regarding the procedure for formation of inter-ministerial and/or inter-non-ministerial committee, harmonization, preparation, and submission of draft Presidential Regulation are regulated in Presidential Regulation.

Part Five
Preparation of Provincial Regulation

Article 56

- (1) A Draft Regulation may be initiated by either the Provincial DPRD or the Governor.
- (2) The Draft Provincial Regulation as referred to in section (1) is accompanied by an explanation or description and/or an Academic Draft.
- (2) In the event that a Draft Provincial Regulation concerning:
 - a. Provincial Budget;
 - b. repeal of Provincial Regulation; or
 - c. amendments to Provincial Regulation limited to several matters,are accompanied by a description of the ideas and material content regulated.

Article 57

- (1) Preparation of an Academic Draft for Draft Provincial Regulation is prepared according to the Academic Draft drafting techniques.

- (2) Provisions regarding the Academic Draft drafting techniques as referred to in section (1) are attached in Annex I as an integral part of this Law.

Article 58

- (1) Harmonization, unification and consolidation of conception of Draft Provincial Regulation initiated by the Provincial DPRD are coordinated by the Provincial DPRD's complementary organ for Legislation affairs.
- (2) Harmonization, unification and consolidation of conception of Draft Provincial Regulation initiated by the Governor are coordinated by the legal bureau and may engage vertical institution of the ministry administering government affairs in legal field.

Article 59

Further provisions regarding the procedure for preparation of Draft Provincial Regulation initiated by the Governor are regulated in Presidential Regulation.

Article 60

- (1) A Draft Provincial Regulation may be proposed by the Provincial DPRD's members, commission, joint commission, or its complementary organ for Legislation affairs.
- (2) Further provisions regarding the procedure for preparation of proposed Draft Provincial Regulation as referred to in section (1) are regulated in Provincial DPRD Regulation.

Article 61

- (1) A Draft Provincial Regulation prepared by the Provincial DPRD is submitted with a Provincial DPRD Leadership's letter to the Governor.
- (2) A Draft Regional Regulation prepared by the Governor is submitted with the Governor's introductory letter to the Provincial DPRD Leadership.

Article 62

If in the same sitting period the Provincial DPRD and the Governor concurrently submit a Draft Provincial Regulation containing the same matters, the discussion is focused on the Draft Provincial Regulation submitted by the Provincial DPRD whereas the Draft Provincial Regulation submitted by the Governor is used as comparative draft.

Part Six

Preparation of Regency/Municipal Regulation

Article 63

The provisions regarding the preparation of Draft Provincial Regulation as referred to in Article 56 to Article 62 apply *mutatis mutandis* to the preparation of Regency/Municipal Regulation.

CHAPTER VI

TECHNIQUES OF LEGISLATIVE DRAFTING

Article 64

- (1) Preparation of a Draft Legislation is made in accordance with the legislative drafting techniques.
- (2) Provisions regarding the legislative drafting techniques as referred to in section (1) are attached in Annex II as an integral part of this Law.
- (2) Provisions of the legislative drafting techniques as referred to in section (2) are regulated in Presidential Regulation.

CHAPTER VII

DISCUSSION AND ENDORSEMENT OF DRAFT LAW

Part One

Discussion of Draft Law

Article 65

- (1) Discussion of Draft Law is conducted by the DPR and the President or the assigned minister.

- (2) The discussion of Draft Law as referred to in section (1) relating to:
 - a. regional autonomy;
 - b. relation between central and local government;
 - c. formation, division, and integration of regions;
 - d. management of natural resources and other economic resources; and
 - e. fiscal balance between central and local government.requires the DPD's participation.
- (3) The DPD's participation in the discussion of Draft Law as referred to in section (2) is only required during the first stage of discussion.
- (4) The DPD's participation in the discussion of Draft Law as referred to in section (2) and section (3) is represented by its complementary organ which is responsible for the material content of the discussed Draft Law.
- (5) The DPD may present its recommendations to the DPR on a Draft Law on State Budget and on a draft Law relating to taxes, education, and religion.

Article 66

Discussion of Draft Law is conducted in 2 (two) stages of discussion.

Article 67

The two stages of discussion as referred to in Article 66 consist of:

- a. first stage of discussion in the meetings of commission, joint commission, Legislation council, budget commission, or special commission; and
- b. second stage of discussion in the plenary session.

Article 68

- (1) The first stage of discussion is held for the following activities:
 - a. preliminary consultation;
 - b. discussion of inventory list of issues; and
 - c. presentation of brief opinions.
- (2) In the preliminary consultation as referred to in section (1)

point a:

- a. the DPR provides an explanation and the President presents his/her opinion if the Draft Law is initiated by the DPR;
 - b. the DPR provides an explanation and both the President and the DPD present their opinion if the Draft Law relating to the DPD's authority as referred to in Article 65 section (2) is initiated by the DPR;
 - c. the President provides an explanation and the factions present their opinion if the Draft Law is initiated by the President;
 - d. the President provides an explanation and both the factions and the DPD present their opinion if the Draft Law relating to the DPD's authority as referred to in Article 65 section (2) is initiated by the President; or
 - e. the DPD provides an explanation and both the DPR and the President present their opinion if the Draft Law relating to the DPD's authority as referred to in Article 65 section (2) is initiated by the DPD.
- (3) The inventory list of issues as referred to in section (1) point b is prepared by:
- a. the President if the Draft Law is initiated by the DPR;
 - b. the DPR and the DPD if the Draft Law is initiated by the President, by taking into account the DPD's recommendations on matters relating to the DPD's authority as referred to in Article 65 section (2); or
 - c. the DPR and the President if the Draft Law is initiated by the DPD in relation to the DPD's authority.
- (4) The presentation of the brief opinion as referred to in section (1) point c is conducted at the end of the first stage of discussion by:
- a. the factions;
 - b. the DPD, if the Draft Law relates to the DPD's authority as referred to in Article 65 section (2); and
 - c. the President.
- (5) In the event that the DPD does not present its opinion as referred to in section (2) point b and section (2) point d and/or does not present the brief opinion as referred to in

section (4) point b, the first stage of discussion continues to take place.

- (6) In the first stage of discussion the head of State institution or other institution may be invited, if the content of the Draft Law relates to such State institution or other institutions.

Article 69

- (1) The second stage of discussion is the adoption of resolutions in the plenary session with the following activities:
 - a. presentation of report on process, brief opinion of the factions, brief opinion of the DPD, and results of the first stage of discussion;
 - b. verbal statement of approval or refusal of each faction and member as requested by the plenary session Leadership; and
 - c. presentation of the President's final opinion by the assigned minister.
- (2) In the event that the approval as referred to in section (1) point b is not reached by consensus, the decision is taken by majority vote.
- (3) In the event that a Draft Law is not approved jointly by the DPR and the President, the Draft Law may not be repropose in the same sitting period of the DPR.

Article 70

- (1) A Draft Law may be withdrawn before it is jointly discussed by the DPR, the President and the DPD if the Draft Law contains matters relating to regional autonomy, relation between central and local government, formation, division, and integration of regions, management of natural resources and other economic resources, and fiscal balance between central and local government.
- (2) A Draft Law under discussion may only be withdrawn by joint approval of the DPR, the President and the DPD if the Draft Law contains matters relating to regional autonomy, relation between central and local government, formation, division, and integration of regions, management of natural resources

and other economic resources, and fiscal balance between central and local government.

- (3) Further provisions regarding the procedure for withdrawal of Draft Law as referred to in section (2) are regulated in DPR Regulation.

Article 71

- (1) Discussion of a Draft Law on Enactment of Government Regulation in Lieu of Law is conducted through the same mechanism as the discussion of a Draft Law.
- (2) Discussion of a Draft Law on Repeal of Government Regulation in Lieu of Law is conducted through a special mechanism excepted from the mechanism of discussion of a Draft Law.
- (3) The provision regarding special mechanisms as referred to in section (2) is conducted as follows:
 - a. The Draft Law on Repeal of Government Regulation in Lieu of Law is proposed by either DPR, the President, or the DPD if the Draft Law contains matters relating to regional autonomy, relation between central and local government, formation, division, and integration of regions, management of natural resources and other economic resources; and fiscal balance between central and local government;
 - b. The Draft Law on Repeal of Government Regulation in Lieu of Law as referred to in point a is submitted if the DPR plenary session does not approve the Government Regulation in Lieu of Law submitted by the President; and
 - c. Adoption of resolutions to approve the Draft Law on Repeal of Government Regulation in Lieu of Law as referred to in point b is made in the same DPR plenary session as the plenary session where decision not to approve the Government Regulation in Lieu of Law is made.

Part Two
Endorsement of Draft Law

Article 72

- (1) A Draft Law that has been jointly approved by the DPR and the President is submitted by the DPR Leadership to the President to be endorsed as a Law.
- (2) Submission of the Draft Law as referred to in section (1) is conducted not later than 7 (seven) days as of the date of the joint approval.

Article 73

- (1) The Draft Law as referred to in Article 72 is endorsed by the President by putting his/her signature not later than 30 (thirty) days as of the Draft Law is jointly approved by the DPR and the President.
- (2) In the event that the draft Law as referred to in section (1) is not signed by the President within 30 (thirty) days as of the date of the joint approval, the Draft Law automatically becomes a Law and thereafter is required to be promulgated.
- (3) In the event of the Draft Law's endorsement as referred to in section (2), the wording of endorsement reads as follows: "This Law is declared to have been endorsed under Article 20 section (5) of the 1945 Constitution of the Republic of Indonesia".
- (4) The statement on endorsement as referred to in section (3) must be put on the last page of the Law before the phrase of promulgation in the State Gazette of the Republic of Indonesia.

Article 74

- (1) Every Law must state a time limit for the issuance of Government Regulation and other regulations as its implementation.
- (2) The issuance of a Government Regulation and other regulations which are required for the administration of government not on the order of a Law is excluded from the provision of section (1).

CHAPTER VIII
DISCUSSION AND ISSUANCE OF OF DRAFT PROVINCIAL
REGULATION AND DRAFT REGENCY/MUNICIPAL REGULATION

Part One

Discussion of Draft Provincial Regulation

Article 75

- (1) Discussion of Draft Provincial Regulation is conducted by the Provincial DPRD with the Governor.
- (2) The discussion as referred to in section (1) is conducted through stages of discussion.
- (3) The stages of discussion as referred to in section (2) are conducted in the meetings of the commission/committee/council/complementary organ for Legislation affairs and the plenary session.
- (4) Further provisions regarding the procedure for discussion of Draft Provincial Regulation are regulated in Provincial DPRD Regulation.

Article 76

- (1) A Draft Provincial Regulation may be withdrawn before it is discussed jointly by the Provincial DPRD and the Governor.
- (2) A Draft Provincial Regulation under discussion may only be withdrawn by the joint approval of the Provincial DPRD and the Governor.
- (3) Further provisions regarding the procedure for withdrawal of draft Regulation are regulated in Provincial DPRD Regulation.

Part Two

Discussion of Draft Regency/Municipal Regulation

Article 77

The provisions regarding the discussion of Draft Provincial Regulation as referred to in Article 75 and Article 76 apply *mutatis mutandis* to the discussion of Regency/Municipal Regulation.

Part Three
Issuance of Draft Provincial Regulation

Article 78

- (1) A Draft Provincial Regulation that has been jointly approved by the Provincial DPRD and the Governor is submitted by the Provincial DPRD Leadership to the Governor to be issued as Provincial Regulation.
- (2) The submission of Draft Provincial Regulation as referred to in section (1) is conducted not later than 7 (seven) days as of the date of the joint approval.

Article 79

- (1) The Draft Provincial Regulation as referred to in Article 78 is issued by the Governor by putting his/her signature not later than 30 (thirty) days as of the Draft Regulation is jointly approved by the Provincial DPRD and the Governor.
- (2) In the event that the Draft Provincial Regulation as referred to in section (1) is not signed by the Governor within 30 (thirty) days as of the date of the joint approval, the Draft Provincial Regulation automatically becomes a Provincial Regulation and thereafter is required to be promulgated.
- (3) In the event of Draft Provincial Regulation's issuance as referred to in section (2), the statement on endorsement reads as follows: "This Regional Regulation is declared to have been endorsed".
- (4) The statement on endorsement as referred to in section (3) must be put on the last page before the phrase of promulgation of Provincial Regulation in the Regional Gazette.

Part Four
Issuance of Regency/Municipal Regulation

Article 80

The provisions regarding the issuance of Draft Provincial Regulation as referred to in Article 78 and Article 79 apply *mutatis mutandis* to the issuance of Regency/Municipal Regulation.

CHAPTER IX
PROMULGATION

Article 81

In order that every person may know hereof, Legislation must be promulgated by its placement in:

- a. State Gazette of the Republic of Indonesia;
- b. Supplement to the State Gazette of the Republic of Indonesia;
- c. State Bulletin of the Republic of Indonesia;
- d. Supplement to the State Bulletin of the Republic of Indonesia;
- e. Regional Gazette;
- f. Supplement to the Regional Gazette; or
- g. Regional Bulletin.

Article 82

Promulgation in the State Gazette of the Republic of Indonesia applies to:

- a. Law/Government Regulation in Lieu of Law;
- b. Government Regulation;
- c. Presidential Regulation; and
- d. other Legislation that according to the prevailing Legislation must be promulgated in the State Gazette of the Republic of Indonesia.

Article 83

Promulgation in the State Gazette of the Republic of Indonesia applies to any Legislation that according to the prevailing Legislation must be promulgated in the State Gazette of the Republic of Indonesia.

Article 84

- (1) The Supplement to the State Gazette of the Republic of Indonesia contains elucidation of the Legislation published in the State Gazette of the Republic of Indonesia.
- (2) The Supplement to the State Bulletin of the Republic of Indonesia contains elucidation of the Legislation published in the State Bulletin of the Republic of Indonesia.

Article 85

The promulgation of Legislation in the State Gazette of Republic of Indonesia or in the State Bulletin of Republic of Indonesia as referred to in Article 82 and Article 83 is carried out by the minister administering government affairs in legal field.

Article 86

- (1) Promulgation in the Regional Gazette applies to Provincial Regulation and Regency/Municipal Regulation.
- (2) Governor Regulation and Regent/Mayoral Regulation are promulgated in the Regional Bulletin.
- (3) The promulgation of Legislation in the Regional Gazette and the Regional Bulletin as referred to in section (1) and section (2) is carried out by the Secretary of the Region.

Article 87

This Legislation comes into force and is legally binding as of the date of promulgation, unless provided otherwise in the relevant Legislation.

CHAPTER X DISSEMINATION

Part One

Dissemination of Prolegnas, Draft Law, and Law

Article 88

- (1) Dissemination is carried out by the DPR, the DPD, and the Government starting from the preparation of Prolegnas, the preparation of Draft Law, the discussion of Draft Law, until the promulgation of Law.
- (2) The dissemination as referred to in section (1) is conducted to provide information to and/or obtain input from the public and the stakeholders.

Article 89

- (1) Dissemination of the Prolegnas is carried out jointly by the DPR, the DPD, and the Government under the coordination of

the DPR's complementary organ for Legislation affairs.

- (2) Dissemination of a DPR-initiated Draft Law is carried out by its commission/committee/council/complementary organ for Legislation affairs.
- (3) Dissemination of a DPD-initiated Draft Law is carried out by its commission/committee/council/complementary organ for Legislation affairs.
- (4) Dissemination of a President-initiated Draft Law is carried out by the initiating institution.

Article 90

- (1) Dissemination of a Law promulgated in the State Gazette of the Republic of Indonesia is carried out jointly by the DPR and the Government.
- (2) The dissemination of a Law as referred to in section (1) may be carried out by the DPD insofar it contains matters relating to regional autonomy, relation between central and local government, formation, division, and integration of regions, management of natural resources and other economic resources, and matters relating to fiscal balance between central and local government.

Article 91

- (1) In the event that certain Legislation needs to be translated into foreign languages, the translation is made by the minister administering government affairs in legal field.
- (2) The translation as referred to in section (1) is an official translation.

Part Two

Dissemination of Prolegda, Draft Provincial Regulation,
Draft Regency/Municipal Regulation, Provincial Regulation,
and Regency/Municipal Regulation

Article 92

- (1) Dissemination of Prolegda is carried out by the DPRD and the Local Government from the preparation of Prolegda, the

preparation of Draft Regional Regulation, the discussion of Draft Regional Regulation, until the promulgation of Regional Regulation.

- (2) The dissemination as referred to in section (1) is conducted to provide information to and/or to obtain input from the public and the stakeholders.

Article 93

- (1) Dissemination of Prolegda is carried out jointly by the DPRD and the Provincial or Regency/Municipal Government under the coordination of the DPRD's complementary organ for Legislation affairs.
- (2) Dissemination of Draft Regional Regulation initiated by the DPRD is carried out by the DPRD's complementary organ.
- (3) Dissemination of Draft Regional Regulation initiated by the Governor or the Regent/Mayor is carried out by their respective Secretary of the Region.

Article 94

Dissemination of Provincial Regulation or Regency/Municipal Regulation promulgated in the Regional Gazette is carried out jointly by the DPRD and the Provincial or Regency/Municipal Government.

Part Three

Disseminated Text

Article 95

The disseminated text of Legislation must be the true copy of the text as it was promulgated in the State Gazette of the Republic of Indonesia, the Supplement to the State Gazette of the Republic of Indonesia, the State Bulletin of the Republic of Indonesia, the Supplement to the State Bulletin of the Republic of Indonesia, the Regional Gazette, the Supplement to the Regional Gazette, and the Regional Bulletin.

CHAPTER XI
PUBLIC PARTICIPATION

Article 96

- (1) The public has the right to provide inputs verbally and/or in writing in the Legislation Making.
- (2) The verbal and/or written input as referred to in section (1) may be presented during:
 - a. public hearings;
 - b. work visits;
 - c. disseminations; and/or
 - d. seminars, workshops, and/or discussions.
- (3) The public as referred to in section (1) means individual persons or interest groups having a concern with the content of a Draft Legislation.
- (4) In order to facilitate the public to provide verbal and/or written input as referred to in section (1), a Draft Legislation must be easily accessible to the public.

CHAPTER XII
MISCELLANEOUS PROVISIONS

Article 97

The drafting techniques and/or the formats provided for in this Law apply *mutatis mutandis* to the drafting technique and/or the format of any Decision issued by the President, the MPR Leadership, the DPR Leadership, the DPD Leadership, the Chief Justice of the Supreme Court, the Chief Justice of the Constitutional Court, the Chairperson of the Judicial Commission, the head of the Audit Board, the Governor of Bank Indonesia, the Minister, the Head of State Agencies, the Head of State Institutions or equivalent Commission, the Provincial DPRD Leadership, the Governor, the Regency/Municipal DPRD Leadership, the Regent/Mayor, the head of Village or equivalent.

Article 98

- (1) Each stage in Legislation Making process engages the participation of legislative drafters.
- (2) Provisions regarding the participation and the development of legislative drafters as referred to in section (1) are regulated in Government Regulation.

Article 99

In addition to the participation of legislative drafters as referred to in Article 98 section (1), each stage in the making of Law, Provincial Regulation, and Regency/Municipal Regulation engage the participation of researchers and experts.

CHAPTER XIII
CLOSING PROVISIONS

Article 100

Any Presidential Decision, Ministerial Decision, Governor Decision, Regent/Mayor Decision, or decision of other competent officials as referred to in Article 97, having regulatory content and existing before this Law comes into force, are construed as regulations, insofar they are not contrary to this Law.

Article 101

At the time this Law comes into force, any implementing Legislation of Law Number 10 of 2004 on Legislation Making (State Gazette of the Republic of Indonesia of 2004 Number 53, Supplement to the State Gazette Number 4389), remains in effect insofar it is not contrary to the provisions of this Law.

Article 102

At the time this Law comes into force, Law Number 10 of 2004 on Legislation Making (State Gazette of the Republic of Indonesia of 2004 Number 53, Supplement to the State Gazette of the Republic of Indonesia Number 4389), is repealed and declared ineffective.

Article 103

Implementing regulations of this Law must be issued not later than 1 (one) year after the promulgation of this Law.

Article 104

This Law comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Law by its placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta
on 12 August 2011

PRESIDENT OF THE REPUBLIC OF INDONESIA,

signed

SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta
on 12 August 2011

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

signed

PATRIALIS AKBAR

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2011 NUMBER 82

Jakarta, 18 July 2017

Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,

signed

WIDODO EKATJAHJANA

ANNEX 1
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 12 OF 2011
ON
LEGISLATION MAKING

DRAFTING TECHNIQUES OF ACADEMIC DRAFT OF DRAFT LAW,
PROVINCIAL REGULATION AND REGENCY/MUNICIPAL REGULATION

1. Academic Draft is a technical paper of legal research or legal analysis or other studies on specific issue, containing scientific concepts of a draft Law, a draft Provincial Regulation, or a draft Regency/Municipal Regulation to address legal issues and needs of the public.

2. The Systematic of the Academic Draft:

TITLE

FOREWORDS

TABLE OF CONTENTS

CHAPTER I INTRODUCTION

CHAPTER II THEORETICAL ASSESSMENT AND EMPIRICAL PRACTICE

CHAPTER III EVALUATION AND ANALYSIS OF RELATED LEGISLATION

CHAPTER IV PHILOSOPHICAL, SOCIOLOGICAL AND JURIDICAL GROUND

CHAPTER V RANGE, DIRECTION AND SCOPE OF THE CONTENT OF LAW,
PROVINCIAL REGULATION OR REGENCY/MUNICIPAL REGULATION

CHAPTER VI CLOSING

BIBLIOGRAPHY

ANNEX: DRAFT LEGISLATION

Brief description of every part:

1. CHAPTER I INTRODUCTION

Introduction contains the background, target to be realized, issues identification, objectives and purposes, and research method.

- A. Background

The background contains opinions and reasons for the need of the drafting of Academic Draft as a reference of establishing a Draft Law or certain Regional Regulations Draft. The background defines the reasons of establishing a Draft Law or Regional Regulation requires a deep and comprehensive study on the theories or scientific thoughts in relation to the substance contained in the establishing Draft Law or Regional Regulation. The scientific thoughts refer to the drafting of philosophical, sociological and juridical arguments to support whether it is necessary

drafting a Draft Law or Regional Regulation Draft.

B. Issues Identification

Issues identification contains the issues to be found and explained in the Academic Draft. Basically, the issues identification in an Academic Draft covers 4 (four) main issues as follows:

- 1) What facing issues are in the life as a Nation, State and as society as well as the way to solve such issues.
- 2) Why a Draft Law or Regional Regulation Draft is needed for the ground of problem solving, which means the justification of the involvement of the State in the solution of issues.
- 3) What is the philosophical, sociological or juridical consideration or ground for the establishing of a Draft Law or Regional Regulation Draft.
- 4) What the targets to be realized, the scope of regulation, aim to be reached and direction of the regulation are.

C. Objectives and Purposes of Drafting Academic Draft Activities

In accordance with the scope of issues identification explained above, the objectives of drafting the Academic Draft is as follows:

- 1) To formulate the facing issues in the life as a Nation, State and as the people as well as the way to solve such issues.
- 2) To formulate the facing legal issues as the reason of drafting the Draft Law or Regional Regulation Draft as a solving legal basic or as the solution of issues in the life as a Nation, State and society.
- 3) To formulate the philosophical, sociological, juridical consideration or ground of the formulation of a Draft Law or a Regional Regulation Draft.
- 4) To formulate the actualized target, the regulating scope, aim and direction of regulation in a Draft Law or the Regional Regulation Draft.

Meanwhile, the purpose of drafting the Academic Draft is as a reference for the drafting and discussion of Draft Law or Regional Regulation Draft.

D. Method

The drafting of an Academic Draft basically is a research activity, therefore it uses drafting method of Academic Draft which is based on the method of legal research or other research. Legal research may be carried out through normative juridical and empirical juridical

methods. Empirical juridical method is also known as socio-legal research. Normative juridical method is carried out through the library research studying (mainly) secondary data in the forms of Legislation, Court Decision, Agreement, Contract or other legal documents as well as results of research, results of study, and other references. The normative juridical method can be supported by interview, focus group discussion and hearing. The empirical juridical or socio-legal method is a research beginning with a normative research or study of Legislation (normative) continued with comprehensive observation and distribution of questionnaires to obtain relevant non-legal factor data and which affects the researched Legislation.

2. CHAPTER II THEORETICAL STUDY AND EMPIRICAL PRACTICE

This chapter contains the substance description of theoretical, principle, practical materials, development of thoughts as well as social, political and economical, state finance implication from a regulation in a Law, Provincial Regulation or Regency/Municipal Regulation.

This chapter is detailed in several sub chapters as follows:

- A. Theoretical study
- B. Study of principles related to the drafting norm. Analysis of determination of principle also takes into account several aspects of life related to the drafted Legislation, which deriving from the result of research.
- C. Study of implementing practice, the existing condition, and the problems faced by the society.
- D. Study of implication of the new system to be regulated in the Law or Regional Regulation to the aspects of life of society and the impact to the aspect of state finance burden.

3. CHAPTER III EVALUATION AND ANALYSIS OF RELATED LEGISLATION

This chapter contains the result of study of the relevant legislation containing the existing legal condition, relevancy of the new Laws and Regional Regulations and other Legislation, vertically and horizontally harmonization as well as the status of the existing Legislation, including the Legislation revoked and declared as null and void as well as Legislation which are still valid due to not contradicted with the new Legislation or regional regulations.

The aim of study of Legislation is to identify the condition of law or legislation regulating the substance or materials to be regulated. In this

study it will be known the position of the new laws or regional regulations. This analysis may describe the level of synchronization, harmonization of the existing Legislation as well as the position of laws and regional regulations to avoid the overlapping regulations. The resulted explanations or details become materials for drafting the philosophical and juridical basic of establishment of Law, Provincial Regulation or Regency/Municipal Regulation.

4. CHAPTER IV PHILOSOPHICAL, SOCIOLOGICAL, AND JURIDICAL BASIC

A. Philosophical Basis

Philosophical basis constitutes the consideration or reason which describes that the establishing regulation considers the ideology, awareness and legal aspiration which covers the emotion and philosophy of Indonesian nation derived from Pancasila and the Preamble of the 1945 Constitution of the Republic of Indonesia.

B. Sociological Basis

Sociological basis is a consideration or reason which describes that the regulation is established to meet the various aspects of the people needs. Sociological basis is actually related to empirical facts concerning the progress of the issues and the need of the people and the State.

C. Juridical Basis

Juridical basis is the consideration or reason which describes that the established regulation to solve legal problems or to fill legal vacancy by taking into account the existing regulations, to be amended or to be revoked to guarantee legal certainty and sense of justice of the people. Juridical ground refers to legal issues related to the substances or materials regulated so that it is necessary to establish a new legislation. Some legal issues such as outdate regulations, inharmonious or overlapping regulations, regulations which are lower than laws which weaken the force, insufficient regulations or even regulations which have never existed before.

5. CHAPTER V RANGE, DIRECTION AND SCOPE OF MATERIALS CONTENT OF LAW, PROVINCIAL REGULATION OR REGENCY/MUNICIPAL REGULATION

Finally, the Academic Draft's function directs the scope of materials content of Draft Law, Provincial Regulation or Regency/Municipal Regulation Draft.

Before explaining the scope of content, this Chapter formulates the target to be realized, the direction and the range of regulations. The materials are based on the explanations which have been explained in the previous chapters. The scope of materials basically includes:

- A. general provisions contains the academic formula on definition of terms and phrases;
- B. materials to be regulated;
- C. sanctions provision; and
- D. transitional provisions.

6. CHAPTER VI CLOSING

Closing consists of Sub-Chapter of conclusion and recommendation.

A. Conclusion

Conclusion contains summary of ideas related to the administration practice, main theoretical elaboration, and principles which have been previously elaborated.

B. Recommendation

Recommendation contains, among others:

- 1. The need to select the substance of Academic Draft in a legislation or subordinated Legislation.
- 2. Recommendation on the priority scale concerning the formulation of a Draft Law/Regional Regulations Draft in National Legislation Program/Regional Legislation Program.
- 3. Other activities needed to support the completion of Academic Draft.

6. BIBLIOGRAPHY

Bibliography contains books, Legislation, and journals as sources for drafting the Academic Draft.

7. ANNEX

DRAFT LEGISLATION

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Signed

DR. H. SUSILO BAMBANG YUDHOYONO

ANNEX II
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 12 OF 2011
ON
LEGISLATION MAKING

LEGISLATION DRAFTING TECHNIQUES

SYSTEMATICS

CHAPTER I LEGISLATION STRUCTURE

- A. TITLE
- B. OPENING
 - 1. Phrase “By the Blessings of Almighty God”
 - 2. Position of Legislation Maker
 - 3. Considerations
 - 4. Legal Basis
 - 5. Dictum
- C. BODY
 - 1. General Provisions
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CHAPTER II SPECIAL MATTERS

- A. DELEGATION OF AUTHORITY
- B. INVESTIGATION
- C. REPEAL
- D. LEGISLATION AMENDMENT
- E. ENACTMENT OF GOVERNMENT REGULATION IN LIEU OF
LAW INTO LAW
- F. RATIFICATION OF TREATY

CHAPTER III VARIATION OF LEGISLATION LANGUAGE

- A. LEGISLATION LANGUAGE
- B. CHOICE OF WORDS OR TERMS
- C. REFERENCE TECHNIQUES

CHAPTER IV FORM OF DRAFT LEGISLATION

- A. FORM OF DRAFT LAW IN GENERAL
- B. FORM OF DRAFT LAW ON ENACTMENT OF GOVERNMENT REGULATION IN LIEU OF LAW INTO LAW
- C. FORM OF DRAFT LAW ON RATIFICATION OF TREATY WHICH DOES NOT USE INDONESIAN LANGUAGE AS ONE OF THE OFFICIAL LANGUAGES
- D. FORM OF DRAFT LAW ON LAW AMENDMENT
- E. FORM OF DRAFT LAW ON REPEAL OF LAW
- F. FORM OF DRAFT LAW ON REPEAL OF GOVERNMENT REGULATION IN LIEU OF LAW
- G. FORM OF DRAFT GOVERNMENT REGULATION IN LIEU OF LAW
- H. FORM OF DRAFT GOVERNMENT REGULATION
- I. FORM OF DRAFT PRESIDENTIAL REGULATION
- J. FORM OF DRAFT MINISTERIAL REGULATION
- K. FORM OF DRAFT PROVINCIAL REGULATION
- L. FORM OF DRAFT REGENCY/ MUNICIPAL REGULATION

CHAPTER I

LEGISLATION STRUCTURE

1. Legislation structure consists of:
 - A. Title;
 - B. Opening;
 - C. Body;
 - D. Closing;
 - E. Elucidation (if necessary);
 - F. Annex (if necessary).
- A. TITLE
2. Title of legislation contains a description of kind, number, year of promulgation or enactment, and name of Legislation.
3. Name of Legislation is made short by using only 1 (one) word or phrase but essentially its meaning has reflected content of Legislation.

Examples of name of Legislation using 1 (one) word:

- Patents;
- Foundation;
- Electricity.

Examples of name of legislation using phrase:

- Freedom of Expression in Public;
 - Local Taxes and Levies;
 - Flag, Language, and the State Emblem as well as National Anthem.
4. Title of Legislation is written entirely in capital letters placed in the center of the text without punctuation mark at the end.

Examples:

a. LAW OF THE REPUBLIC OF INDONESIA
 NUMBER 6 OF 2011
 ON
 IMMIGRATION

b. REGULATION OF THE PROVINCE OF
 THE SPECIAL CAPITAL REGION OF JAKARTA
 NUMBER 8 OF 2007
 ON
 PUBLIC ORDER

c. QANUN OF REGENCY OF ACEH JAYA
 NUMBER 2 OF 2010
 ON
 IMPLEMENTATION OF CIVIL AFFAIRS ADMINISTRATION

d. REGULATION OF THE PROVINCE OF PAPUA
 NUMBER 5 OF 2010
 ON
 PROTOCOL POSITION OF LEADERSHIP AND MEMBERS
 OF THE PAPUA PEOPLE ASSEMBLY

e. REGULATION OF SPECIAL PROVINCE OF PAPUA
 NUMBER 23 OF 2008
 ON
 HAK ULAYAT (COLLECTIVE/COMMUNAL RIGHT)
 AND *ADAT* LAW (INDIGENOUS) COMMUNITIES ON LAND

5. Title of Legislation cannot be added by abbreviations or acronyms.

Incorrect example by adding abbreviation:

a. LAW OF THE REPUBLIC OF INDONESIA
NUMBER... OF...
ON
STATE BUDGET (APBN)

b. REGULATION OF MUNICIPALITY OF PEKANBARU
NUMBER 9 OF 2005
ON
VILLAGE COMMUNITY EMPOWERING INSTITUTION (LPMK)

Inappropriate examples using acronym:

REGULATION OF REGENCY OF
NUMBER ... OF ...
ON

REGIONAL LEGISLATION PROGRAM (PROLEGDA)

6. The amended Legislation title is added with phrase “amendment to” in front of the amended Legislation title.

Examples:

a. LAW OF THE REPUBLIC OF INDONESIA
NUMBER 2 OF 2011
ON
AMENDMENT TO LAW NUMBER 2 OF 2008
ON
POLITICAL PARTIES

b. REGULATION OF REGENCY OF JAYAPURA
NUMBER 14 OF 2009
ON
AMENDMENT TO REGIONAL REGULATION
NUMBER 2 OF 2007 ON PRINCIPLES OF
REGIONAL FINANCIAL MANAGEMENT

7. If the Legislation has been amended more than once, between the words “amendment” and the word “to” will be inserted with the word showing how many times the amendment has been made, without detailing the previous amendment.

Example:

GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA
NUMBER 21 OF 2007
ON
THE THIRD AMENDMENT TO
GOVERNMENT REGULATION NUMBER 24 OF 2004
ON
PROTOCOL AND FINANCIAL POSITION OF MEMBERS
OF THE REGIONAL HOUSE OF REPRESENTATIVES

Example of Regional Regulations:

REGULATION OF REGENCY OF SOUTHEAST MINAHASA
NUMBER 3 OF 2011
ON
THE SECOND AMENDMENT TO
REGIONAL REGULATION NUMBER 6 OF 2007 ON
ORGANIZATION STRUCTURE AND WORK PROCEDURES
OF SOUTHEAST MINAHASA REGENCY OFFICE

8. If amended Legislation has a short name, Legislation amendment may use the short name of the amended Legislation.
9. On the title of Legislation on repeal, the word “repeal” is added before the title of the repealed Legislation.

Example:

LAW OF THE REPUBLIC OF INDONESIA
NUMBER 3 OF 2010
ON
REPEAL OF GOVERNMENT REGULATION IN LIEU
OF LAW NUMBER 4 OF 2009 ON
AMENDMENT TO LAW NUMBER 30 OF 2002
ON CORRUPTION ERADICATION COMMISSION

Example of Regional Regulations:

REGULATION OF THE PROVINCE OF SOUTH KALIMANTAN
NUMBER 4 OF 2010
ON
REPEAL OF REGULATION OF THE PROVINCE OF SOUTH KALIMANTAN
NUMBER 4 OF 2003
ON ROUTE PERMIT LEVIES AND SPECIAL TRANSPORTATION PERMITS
IN MAINLAND WATERS CROSSING REGENCIES OR MUNICIPALITIES

10. On the title of Government Regulation in Lieu of Law which is enacted to become Law, word “enactment” is added before the title of the enacted Legislation and ended with the phrase “become Law”.

Example:

LAW OF THE REPUBLIC OF INDONESIA
NUMBER 15 OF 2003
ON
ENACTMENT OF GOVERNMENT REGULATION
IN LIEU OF LAW NUMBER 1 OF 2002
ON COMBATING TERRORISM CRIME BECOMING LAW

11. The title of treaty or international agreement ratification, Legislation is added with the word “ratification” before the ratified treaty or international agreement.

Example:

LAW NUMBER 47 OF 2007
ON
*PENGESAHAN PERJANJIAN ANTARA REPUBLIK INDONESIA DAN
AUSTRALIA TENTANG KERANGKA KERJA SAMA KEAMANAN
(AGREEMENT BETWEEN THE REPUBLIC OF INDONESIA AND
AUSTRALIA ON THE FRAMEWORK FOR SECURITY COOPERATION)*

12. If in a treaty or international agreement Indonesian Language is used as one of the official texts, the title of the treaty or agreement will be written in Indonesian Language, followed with the foreign language of the official text which is written in italics and placed in brackets.

Example:

LAW OF THE REPUBLIC OF INDONESIA
NUMBER 4 OF 2010
ON
*PENGESAHAN PERJANJIAN ANTARA REPUBLIK INDONESIA DAN
REPUBLIK SINGAPURA TENTANG PENETAPAN GARIS BATAS LAUT
WILAYAH KEDUA NEGARA DI BAGIAN BARAT SELAT SINAGAPURA, 2009
(TREATY BETWEEN THE REPUBLIC OF INDONESIA AND THE
REPUBLIC OF SINGAPORE RELATING DELIMITATION OF THE
TERRITORIAL SEAS OF THE TWO COUNTRIES IN THE WESTERN PART
OF STRAIT OF SINGAPORE, 2009)*

13. If in the treaty or international agreement, Indonesian Language is not used as the official text, the title of the treaty or agreement will be written in English in italics, and followed with a translation in Indonesian Language, placed in brackets.

Example:

LAW OF THE REPUBLIC OF INDONESIA
NUMBER 5 OF 2009
ON
RATIFICATION OF THE UNITED NATIONS
CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME
(*KONVENSI PERSERIKATAN BANGSA-BANGSA MENENTANG TINDAK
PIDANA TRANSNASIONAL YANG TERORGANISASI*)

B. OPENING

14. The opening of Legislation consists of:

- a. Phrase “By the Blessings of Almighty God”;
- b. Position of Legislative maker forming legislation;
- c. Consideration;
- d. Legal Basis; and
- e. Dictum.

B. 1. Phrase “By the Blessings of Almighty God”

15. In the opening of any kind of Legislation before the position of the legislative maker the phrase “By the Blessings of Almighty God” is entirely written using capital letters, in the center of margin.

B.2. Position of the Legislation Maker

16. The position of the Legislation maker is entirely written using capital letters placed in the center of the text and ended with comma punctuation.

Example of positions of the Lawmaker:

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Example of position of the Provincial Regulation maker:

GOVERNOR OF WEST JAVA,

Example of position of the Regency Regulation maker:

REGENT OF GUNUNG KIDUL,

Example of position of the Municipal Regulation maker:

MAYOR OF DUMAI,

B.3. Consideration

17. Consideration begins with word “Considering”.

18. The Consideration contains a brief description of main ideas used as consideration and reason of the Legislation making.

19. The main ideas in the consideration of a Law, Provincial Regulation, or Regency/Municipal Regulation contain philosophical, sociological, and

juridical background used as consideration and reasons of the making, written in order beginning from philosophical, sociological, and juridical background.

- The philosophical background outlines that the regulations consider the way of life, legal awareness and idea including the psychological condition and philosophy of the Indonesian nation under Pancasila and the Preamble of the 1945 Constitution of the Republic of Indonesia.
- The sociological background outlines that the regulations fulfill the public needs in all aspects.
- The juridical background outlines that the regulations are made to address legal issues or to fill legal vacuum by considering the existing rules, to be amended or to be repealed to ensure that legal certainty is upheld and public justice is served.

Example:

Law Number 40 of 2007 on Limited Liability Company.

- Considering :
- a. that national economy carried out based on economic democracy with the principles of togetherness, efficiency, fairness, sustainable, environmental perception, independency, keep on the national economic development and unity and progress balance, is supported by a strong economic institution in order to realize the social welfare;
 - b. that in order to increase national economic development and also to provide a solid foundation in the business world in facing the world economic developments and the progress of science and technology in the future globalization era, is supported by a law regulating the limited liability company that could guarantee a conducive business climate;
 - c. that the limited liability company as one of the national economic development pillars is given a legal foundation to encourage more the national development arranged as a jointly business based on the principle of familiarity principle;
 - d. that Law Number 1 of 1995 on Limited Liability Company is deemed no longer appropriate with the legal development and social, so it is necessary to be replaced

with a new law;

- e. that based on the considerations as referred to in point a, point b, point c, and point d it is necessary to establish the Law on Limited Liability Companies;

Example:

Regulation of the Special Capital Region of Jakarta Number 4 of 2009 on Regional Health System

Considering :

- a. that public health standard increase has become a strategic investment on the human resources so as to be more productive from time to time;
- b. that in order to increase the public health standard it is necessary to carry out the health development with limited role, function, responsibility, and clear authority, accountable, fair, equal, qualified, effective and efficient;
- c. that in order to provide direction, legal foundation and certainty to all parties involved in health development, it is necessary to establish a regulation concerning arrangement of health development;

- 20. Main idea only stating that Legislation is deemed necessary to be established is inappropriate, because it does not reflect considerations and reasons of the establishment of the said Legislation. See also Number 24.
- 21. If the consideration contains more than one main idea, every main idea is formulated in a series of sentences that shows one meaning.
- 22. Every main idea begins with alphabetic letter, and formulated in one sentence beginning with word "that" and ended with semicolons punctuation.

Example:

Considering :

- a. that...;
- b. that...;
- c. that...;
- d. that ...;

- 23. If the consideration contains more than one consideration, the last formulation of the last consideration is as follows:

Example 1 : Consideration of Law

Considering :

- a. that...;
- b. that ...;
- c. that...;

- d. that based on the considerations as referred to in point a, point b, and point c, it is necessary to establish Law on...;

Example 2 : Consideration of a Provincial Regulation

Considering : a. that...;

b. that ...;

c. that...;

- d. that based on the considerations as referred to in point a, point b, and point c, it is necessary to determine a Regional Regulation on...;

24. Consideration of a Government Regulation is enough to contain one consideration comprising a brief description of the necessity of implementing provisions of an article or some articles from a Law which orders the establishment of the government regulation by pointing an article or some articles of the Law which order the establishment. See also Number 19.

Example:

Government Regulation Number 32 of 2011 on Management and Engineering, Impact Analysis and Traffic Requirements Management.

Considering : that in order to optimize the use of the road network and traffic movements in order to ensure the security, safety, public order and smooth traffic and road transport, as well as to implement the provisions of Article 93, Article 101, Article 102 section (3), Article 133 section (5) and Article 136 section (3) of Law Number 22 of 2009 on Road Traffic and Transportation, it is necessary to issue a Government Regulation on Management and Engineering, Impact Analysis and Traffic Requirement Management;

25. Consideration of a Presidential Regulation is enough to contain one consideration comprising a brief description of the need to implement the provisions of an article or some articles from a Law or Government Regulation which ordered the establishment of the said Presidential Regulation by appointing an article or some articles from a Law or Government Regulation ordering the establishment.

Example:

Presidential Regulation Number 28 of 2011 on Use of Protected Forest Areas for Underground Mining.

Considering : that to implement the provisions of Article 5 section (2)

Government Regulation Number 24 of 2010 on the Use of Forest Area, it is necessary to issue a Presidential Regulation on Use of Protected Forest Area for Underground Mining;

26. Consideration of a Presidential Regulation to implement the government authority containing philosophical, sociological and juridical elements becomes considered and reasons for the establishment of a Presidential Regulation.
27. Consideration of a Regional Regulation is enough to contain one consideration comprising a brief description of the necessity of implementing provisions in an article or some articles of a Law or Government Regulation ordering the establishment of the said Regional Regulation by appointing an article or some articles of the Law or Government Regulation ordering the establishment of the said Regional Regulation.

Example:

Regulation of the Regency of West Bangka Number 8 of 2010 on City Forest
Considering : that to implement the provisions of Article 2 of Government Regulation Number 63 of 2002 on City Forest, it is necessary to establish a Regional Regulation on City Forest;

B.4. Legal Basis

28. The legal basis begins with word "Observing".
The legal basis contains:
 - a. The authority basis of Legislation making; and
 - b. The Legislation ordering the Legislation making.
29. The legal basis of Law making from the DPR are Article 20 and Article 21 of the 1945 Constitution of the Republic of Indonesia.
30. The legal basis of Law making from the President are Article 5 section (1) and Article 20 of the 1945 Constitution of the Republic of Indonesia.
31. The legal basis of the establishment of Law originating from the DPR upon the recommendation of the DPD are Article 20 and Article 22D section (1) of the 1945 Constitution of the Republic of Indonesia.
32. If the 1945 Constitution of the Republic of Indonesia orders directly to establish a Law, the ordering article is written in the legal basis.

Example:

Observing : Article 15, Article 20 and Article 21 of the 1945 Constitution of the Republic of Indonesia;

The example is found in Law Number 20 of 2009 on Title, Service Reward, and Honorable Reward.

33. If the substance regulated in the law to be established is a clarification of an article or some articles of the 1945 Constitution of the Republic of Indonesia, the article is written as a legal basis.

Example 1 (Draft Law from the DPR):

Observing : Article 20, Article 21, Article 28C section (1), Article 28H section (1), section (2), section (4), Article 33 section (3), Article 34 section (1), section (2), and section (3) of the 1945 Constitution of the Republic of Indonesia;

The example is found in Law Number 1 of 2011 on Housing and Settlement Region.

Example 2 (Draft Law from the President):

Observing : Article 5 section (1), Article 20, Article 26 section (2), and Article 28E section (1) of the 1945 Constitution of the Republic of Indonesia;

The example is found in Law Number 6 of 2011 on Immigration.

34. The legal basis of the establishment of Government Regulation in Lieu of Law is Article 22 section (1) of the 1945 Constitution of the Republic of Indonesia.
35. The legal basis of the establishment of Law on the Enactment of Government Regulation in Lieu of Law becoming the Law are Article 5 section (1), Article 20 and Article 22 section (2) of the 1945 Constitution of the Republic of Indonesia.
36. The legal basis for the establishment of Law on the Repeal of Government Regulation in Lieu of Law are Article 5 section (1), Article 20 and Article 22 section (3) of the 1945 Constitution of the Republic of Indonesia.
37. The legal basis of the establishment of Government Regulation is Article 5 section (2) of the 1945 Constitution of the Republic of Indonesia.
38. The legal basis of the establishment of the Presidential Regulation is Article 4 section (1) of the 1945 Constitution of the Republic of Indonesia.
39. The legal basis of the establishment of Regional Regulation is Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia, the Law on the Regional Establishment and the Law on Local Government.
40. If there is Legislation under the 1945 Constitution of the Republic of Indonesia, directly ordering the establishment of Legislation, the said Legislation is included in the legal basis.

Example:

Observing : 1. Article 5 section (2) of the 1945 Constitution of the Republic of Indonesia;

2. Law Number 14 of 2008 on the Transparency of Public Information (State Gazette of the Republic of Indonesia of 2008 Number 61, Supplement to the State Gazette of the Republic of Indonesia Number 4846);

This example is found in the Government Regulation Number 61 of 2010 on the Implementation of Law Number 14 of 2008 on the Transparency of Public Information.

41. The Legislation used as legal basis is only a higher Legislation or at least same level with the said Legislation.
42. The Legislation to be repealed by Legislation to be established, the legislation that has been enacted but unofficially comes into force, is not mentioned in the legal basis.
43. If the total number of Legislation to be made as the legal basis is more than one Legislation, the list sequence needs to consider the Legislation list sequence, and if they have the same level, it is arranged chronologically based on the promulgation or the enactment.
44. The legal basis taken from an article or some articles in the 1945 Constitution of the Republic of Indonesia is written by naming the article or some articles. The phrase of the 1945 Constitution of the Republic of Indonesia is written after the last article, and the letter c of Constitution is written in capital letter.

Example:

Observing : Article 5, section (1) and Article 20 of the 1945 Constitution of the Republic of Indonesia;

45. The legal basis that is not from the 1945 Constitution of the Republic of Indonesia is not necessary to mention the article, but it is enough to mention the kind and name of the Legislation without mentioning the phrase of the Republic of Indonesia.
46. In writing the kind of Legislation and draft Legislation, the first letter is written with capital letter.

Example : Law, Government Regulation, Presidential Decree, Regional, Provincial and Regency/Municipal Regulation.

Draft Law, the Draft Government Regulation, Draft Presidential Regulation, the Draft Provincial Regulation, Draft Regency/Municipal Regulation.

47. In writing Law and Government Regulation, the legal basis is completed with mentioning the State Gazette of the Republic of Indonesia and Supplement to the Gazette of the Republic of Indonesia, placed between brackets.

Example:

Observing : 1. ...;

2. Law Number 6 of 2011 on Immigration (State Gazette of the Republic of Indonesia of 2011 Number 52, Supplement to the State Gazette of the Republic of Indonesia Number 5216);

48. In writing the Presidential Regulation on ratification of treaty and Presidential Regulation on the hazard situation, legal basis is completed with mentioning the State Gazette of the Republic of Indonesia and Supplement to the State Gazette Republic of Indonesia, written between brackets.
49. In writing the Regional Regulation, the legal basis is completed with mentioning the Provincial Regional Gazette, Regency/Municipal Regional Gazette, and the Supplement to the Provincial Regional Gazette, Supplement to the Regency/Municipal Regional Gazette written between brackets.

Example:

Aceh Jaya Regency Qanun Number 3 of 2010 on the Structure and Organization, and the Work Procedure of The Aceh Jaya Regency Regional Instrument (Regional Gazette of the Regency of Aceh Jaya Number 3 of 2010, Supplement to Regional Gazette of the Regency of Aceh Jaya Number 2)

50. The legal basis originating from the Dutch East Indies era Legislation or issued by the Dutch Colonial Government until 27 December 1949, the translation in Indonesian Language is written first and followed by the original title in Dutch, and completed with the year and the number of *Staatsblad* written in italics between brackets.

Example:

Observing : 1.;

2. (Kitab Undang-Undang Hukum Dagang) the Commercial Law Book (*Wetboek van Koophandel, Staatsblad* 1847: 23);

51. The writing as mentioned in number 50 is also applicable for the repeal of Legislation originated by the Dutch East Indies era or issued by the Dutch Colonial Government until 27 December 1949.
52. If the legal basis contains more than one Legislation, every legal basis begins with the Arabic number 1, 2, 3, and so on, and ends with a semicolon punctuation.

Example :

- Observing : 1. ...;
2. ...;
3. ...;

B.5. Dictum

53. Dictum consists of:

- a. the word “Has Decided”
- b. the word “To enact” or “To issue”; and
- c. the kind and name of the Legislation.

54. The words “Has Decided” is written entirely with capital letters without space between syllables and ended with a colon punctuation placed in central of the margin.

55. In Law, before the word “HAS DECIDED” the phrase “With the Joint Approval of THE HOUSE OF REPRESENTATIVES and THE PRESIDENT OF THE REPUBLIC OF INDONESIA” placed in the center of margin is written.

Examples of the Law:

With The Joint Approval of
THE HOUSE OF REPRESENTATIVES
and
THE PRESIDENT OF THE REPUBLIC OF INDONESIA
HAS DECIDED:

56. In Regional Regulation, before the word “Has Decided” the phrase “With The Joint Approval of THE REGIONAL HOUSE OF REPRESENTATIVES OF and GOVERNOR/REGENT/MAYOR OF ... (name of area)” entirely written with capital letters and placed in the center of margin is written.

Example:

Regional Regulation

With the Joint Approval of
THE REGIONAL HOUSE OF REPRESENTATIVES
and
THE GOVERNOR OF WEST JAVA
HAS DECIDED:

57. The word “To enact” is written after the word “Decided” in one line below the word “Considering” and the word “Observing”. The first letter of to enact is written with the capital letter and ended with a colon punctuation.

58. The kind and name written in the title of Legislation are rewritten after the word to enact without the Republic of Indonesia phrase, entirely written with capital letters and ended with a full stop.

Example:

HAS DECIDED:

To enact : LAW ON CENTRAL AND REGIONAL FINANCE BALANCE.

59. The kind and name written in the title of Regional Regulation are rewritten after the word Decided without Province, Regency/Municipality phrase, entirely written with capital letters and ended with a full stop.

Example:

HAS DECIDED:

To issue : REGIONAL REGULATION ON LEVY OF BUILDING ESTABLISHMENT PERMIT.

60. The opening of central Legislation lower than Law, i.e. Government Regulation, Presidential Regulation, House of Representatives Regulation, People Consultative Assembly Regulation, Regional Representatives Council Regulation, Bank Indonesia Regulation, Ministerial Regulation, and regulation of the same level officials, is based on *mutatis mutandis* by the opening of Law.

C. BODY

61. The body of Legislation contains all substance of Legislation formulated in an article or some articles.
62. Generally, the substances in the body are classified into:
- a. general provision;
 - b. the main substance regulated;
 - c. criminal provision (if necessary);
 - d. transitional provision (if necessary); and
 - e. closing provision.
63. The classification of substances is completely formulated in accordance with the relevant substance, and if there is a necessary substance but cannot be included in the existing classification, the said substance is written in chapter of other provisions.
64. The substance of administrative or civil sanction for violations of the said norms is formulated into a single part (article) with the norms providing the administrative or civil sanction.
65. If the norms that provide administrative or civil sanctions contained more than one article, the administrative sanction or civil sanction is formulated in the last article of the said part (article). Thus it does not define the sanction provision which includes criminal, civil and administrative sanctions in one chapter.

66. The administrative sanction may include, among others, license revocation, dissolution, supervision, suspension, administrative penalties, or the police forcing power. Civil sanctions may be in the form of, among others, compensation.
67. The classification of Legislation substance may be systematically arranged in a book, chapter, part, and paragraph.
68. In the event that Legislation contains a very broad substance and a lot of articles, the said article or some articles can be classified into: book (if it is a codification), chapters, parts, and paragraphs.
69. The classification of the substance in a book, chapter, part, and paragraph is carried out under on the same substance.
70. The list of classifications are as follows:
 - a. chapter with article or some articles without part and paragraph;
 - b. chapter with part and article or some articles without paragraph; or
 - c. chapter with part and paragraph containing article or some articles.
71. The book is given list number with the range number and title which are written entirely in capital letters.

Example:

BOOK THREE
CONTRACT

72. The Chapter is given a list of Roman number and the chapter title which are written entirely in capital letters.

Example:

CHAPTER I
GENERAL PROVISIONS

73. The Part is given a list number written in grade number and is given a titled.
74. Initial letters of words “part”, the order number, and every word in the title are written in capital letters, except the initial letter of particles that are not located at the beginning of the phrases.

Example:

Part One
Structure and Position

75. The Paragraph is given list number with Arabic number and is given a titled.
76. The initial letters of the word paragraph and every word in the paragraph title is written in capital letters, except the initial letter of particles that are not located at the beginning of the phrase.

Example:

Paragraph 1

Chairman, Vice Chairman, and Judge

77. Article means a unit of rules in the Legislation that contain a norm and is formulated in a sentence arranged in a short, clear, straightforward sentence.
78. The substance of Legislation is better be formulated in many short and clear articles instead of some articles which each article contains many sections, except in the event the substance of those articles is an un-separated.
79. An article is given an Arabic number in the sequence and the initial letter of the word “article” is written in capital letters.

Example:

Article 3

80. The initial letter of the word “article” used as reference is written in capital letter.

Example:

Article 34

Provisions as referred to in Article 20 and Article 26 do not abolished the obligation to pay compensation as referred to in Article 33.

81. An article can be specified into some sections.
82. A section is given Arabic number in the sequence written between brackets without ended by full stop.
83. A section contains only one norm formulated in a whole sentence.
84. An initial letter of a section used as a reference is written in small letters.

Example:

Article 8

- (1) A request of mark registration may only be filed for 1 (one) class of goods.
- (2) The request of mark registration as referred to in section (1) mentions the kind of goods or services that are included in the class.
85. If an article or section contains details of elements, instead of formulated in the form of a detail sentence, may also be formulated in the form of tabulations.

Example:

Article 28

Indonesian Language is obliged to be used in the formal speech of the President, Vice President, and other State officials delivered inside or outside of the country.

The contents of that article can be more easily understood if formulated as follows:

Example tabulation formula:

Article 28

Indonesian Language is obliged to be used in the formal speech of:

- a. the President;
- b. the Vice President; and
- c. other state officials,

that is delivered inside or outside of the country.

86. The writing of numbers in an article or section besides using Arabic number is also followed by a word or phrase written between bracket.
87. In formulating an article or section in a tabulation form takes into account the following provisions:
 - a. every detail must be read as one series with the opening phrase in the unit;
 - b. every detail using small letters and given a full stop punctuation;
 - c. every phrase in detail begins with small letter;
 - d. every detail ends with a semicolon punctuation;
 - e. if one details are divided into smaller elements, the element is written little bit inner of the line;
 - f. behind the detail followed by further details is given a two points punctuation;
 - g. the detail division (with a smaller order) is written in small letters followed by a full stop punctuation; an Arabic number and followed by a full stop punctuation; small letter with close parenthesis punctuation; Arabic number is given with close parenthesis punctuation; and
 - h. the details are divided not more than 4 (four) levels. If the breakdown is more than 4 (four) levels, the said article is divided into another article or section.
88. If element or details of tabulation is intended as a cumulative detail, it is added by a word “and“ put behind the second detail of the last detail.
89. If the tabulation detail is intended as an alternative detail, it is added by a word “or” put behind the second details of the last details.
90. If the tabulation detail is intended as a cumulative and alternative details, it is added by the words “and/or” put behind the second details of the last details.
91. The words “and”, “or”, “and/or” do not need to be repeated at the end of each element or details.
92. Every detail is marked with the letter “a”, “b”, and so on.

Example:

Article 9

- (1) ...
- (2) ...
 - a. ...;
 - b. ...; (and, or, and/or)
 - c.

93. If detail need further details, those details are marked with Arabic number 1, 2, and so on.

Example:

Article 9

- (1)
- (2):
 - a. ...;
 - b. ...; (and, or, and/or)
 - c.;
 - 1....;
 - 2....; (and, or, and/or)
 - 3.....

94. If a further detail needs breakdown details, the details are marked by the letter a), b), and so on.

Example:

Article 9

- (1)
- (2)
 - a....;
 - b....; (and, or, and/or)
 - c....;
 - 1. ...;
 - 2. ...; (and, or, and/or)
 - 3.:
 - a) .;
 - b) ; (and, or, and/or)
 - c) ..

95. If a further detail needs a breakdown detailed, the details are marked with number 1), 2), and so on.

Example:

Article 9

....

(1)

(2) ...:

a. ...;

b. ...; (and, or, and/or)

c. ...:

1. ...;

2. ...; (and, or, and/or)

3. ...:

a) ...;

b) ...; (and, or, and/or)

c)

1) ...;

2) ...; (and, or, and/or)

3) ...:

C. 1. General Provisions

96. General provisions are contained in chapter one. In the event the Legislation does not classify chapters, the general provisions put in an article or some initial articles.

Example:

CHAPTER I

GENERAL PROVISIONS

97. General provisions may contain more than one article.

98. General provisions contain:

a. meaning limitation or definition;

b. abbreviation or acronym as outlined in the meaning limitation or definition; and/or

c. other general matters applied to the next article or some following articles as of provisions reflecting the principles, purpose, and their own objective without separately formulated in an article or a chapter.

Examples of meaning limitation:

1. Minister means the minister administering government affairs in the financial sector.

2. Regional government means the Regent and the regional official as administrators of the Regency Regional Government of Mimika.

Examples of definitions:

1. Spatial means the spatial aspect of an object or event that includes site, location, and position.
2. Regional taxation, hereinafter referred to as taxes means mandatory contributions to the region by individual or entity which is coercive based on the Law, and without getting any direct benefits, and is used for regional purposes for the greatest of people welfare.

Examples of abbreviations:

1. Financial Audit Board, hereinafter abbreviated as BPK means a state agency in charge of examining the state of financial management and accountability as set forth in the 1945 Constitution of the Republic of Indonesia.
2. Government Internal Control System, hereinafter abbreviated as SPIP means an internal control system carried out entirely toward the drafting process and implementation of the policy implementation and planning, budgeting, and implementation in the scope of the Government of Dumai City.

Examples of acronyms:

1. Health Insurance (Asuransi Kesehatan), hereinafter referred to as Askes means.
2. People with HIV/AIDS (*Orang dengan HIV/AIDS*), hereinafter referred to as ODHA means people infected by HIV whether in the first step before any symptoms or after the symptoms.

99. Opening phrase in the general provisions of a law is read as follows:

In this Law:

100. Opening phrase in the general provisions of Legislation under the Law is in accordance with the kind of regulation.
101. If the general provisions contains the meaning or definition, more than one abbreviation or acronym, each description is listed with Arabic number, and begin with a capital letter and end with a full stop punctuation.
102. The words or terms mentioned in the general provision are only word or term used repeatedly in the following article or some articles.
103. If the definition of Legislation is reformulated in the draft Legislation, the formulation must be the same with the definition of the enforcing Law.
104. A formulation of a meaning limitation of Legislation can be different with the formulation of other Legislation because it is in accordance with the related need of the substance to be regulated.

Example 1:

- a. Days means calendar days (this formulation is contained in Law Number 40 of 2007 on Limited Liability Company).
- b. Day means a working day (this formulation is contained in Law Number 27 of 2009 on the People's Consultative Assembly, House of Representatives, Regional Representatives Council and the Regional House of Representatives).

Example 2:

- a. Every person means an individual or business entity, whether incorporated or not incorporated (this formulation is contained in Law Number 32 of 2009 on Protection and Management of Environment).
- b. Every person means a personally individual or legal entity (Law Number 1 of 2011 on Housing and Settlement Areas).

- 105. If a word or term is used only once, but the word or the term is needed for the meaning of a chapter, part, or a particular paragraph, the word or the term is given a definition.
- 106. If a definition is necessary to be required in a general provision of an implementing regulation, the formulation of meaning limitation or definition in the implementing regulation must be the same with the formulation of the definition in the said higher implemented regulation.
- 107. Due to the function of definition of terms, abbreviation, or acronym is to explain the meaning of a word or term, therefore the meaning limitation or definitions, abbreviations, or acronyms does not need an explanation, therefore it must be formulated with a complete and clear formulation so as to avoid double meaning.
- 108. The writing of the initial letter of each word or the defined term or term that has given a meaning limitation in the general provisions is written in capital letter, used in the regulated norm, elucidation as well as in the annex.
- 109. The order of placement of word or term in the general provisions follows the following rules:
 - a. a meaning regulating the general scope is placed before the specific scope;
 - b. a meaning prior to the regulated main substance is placed in front; and
 - c. a meaning that is related to the above meaning is placed in order near each other.

C.2. The Regulated Subject Matters

- 110. The regulated subject matters are placed directly after the general provisions chapter, and in the event there is not classification of chapters, the regulated

subject matter is placed after the article or articles of general provisions.

111. The break down of subject matter into smaller groups is carried out in accordance with the criteria made as the basic of break down.

Example:

- a. the break down based on a protected rights or interest, such as the break down in the Penal Code:
 1. the crimes against State security;
 2. the crimes against the dignity of the President;
 3. the crimes against friendly countries and their representatives;
 4. the crime against the State obligation and rights;
 5. the crimes against public order and so on.
- b. the break down based on order/chronology, as the break down in procedure of criminal law, begin with preliminary investigation, investigation, prosecution, and examination before the court of first instance, appeal, appeal to the Supreme Court, and judicial review.
- c. the break down based on the order of the official hierarchy, such as the Attorney General, Vice Attorney General, and Deputy Attorney General.

C.3. Criminal Provisions (if necessary)

112. Criminal provision contains a formulation stating the imposition of penalty for violation of the provisions that contain of norm of restriction or order.

113. In formulating the criminal provision it is necessary to take into account the general principles of criminal provisions contained in Book One of the Penal Code, because the provisions in Book One applies also to other acts that can be punished under other Legislation, except if the Law determined otherwise (Article 103 of The Penal Code).

114. In determining the period of the penalty or the amount of fines to be paid, the impact caused by the criminal act in the society and the perpetrator need to be considered.

115. Criminal provisions is placed in a separate chapter, located after the regulated subject matters or before the transitional provisions. If there are no transitional provisions, it is placed before the closing provision.

116. If there is no chapter classification in a Legislation, the criminal provisions is placed in an article directly before an article or some articles containing the transitional provisions. In the event there is no article which contains transitional provisions, the criminal provisions are placed before an article or some articles containing closing provision.

117. The criminal provisions is included only in a Law, Provincial Regulations and Regency/Municipal Regulation.

118. The criminal provisions formulation must mention explicitly ban norm or violated orders norms and mention the article or articles containing such norms. Thus, it needs to avoid:

- a. reference the criminal provisions of other Legislation. See also Number 98;

Example:

Qanun of the Regency of Aceh Jaya Number 2 of 2010 on Implementation of Population Administration

Article 73

Criminal offenses in the fields of Population Administration conducted by the resident, official, and the legal entity are punishable by criminal punishment as provided in Law Number 23 of 2006 on Population Administration.

- b. reference to the Penal Code is carried out in the event the elements of the referring norm are not the same; or
- c. the drafting itself is different or not included in a norms set out in the previous article or articles, except for law concerning special criminal act.

119. If the criminal provisions apply to any person, the subject of the criminal provisions is formulated “any person” phrase.

Example:

Article 81

Any person who intentionally and without right uses a mark which is similar in its entirety to a registered mark of another person or legal entity for the same kind of goods or services produced and or traded, as referred to in Article 20, is sentenced to imprisonment for at a maximum of 7 (seven) years and a fine of a maximum of Rp100,000,00 (one hundred thousand rupiah).

120. If the criminal provisions only apply to certain subject, the subject is explicitly formulated, for example, foreigners, civil servants, witness.

Example 1:

Law Number 35 of 2009 on Drugs

Article 143

A witness who gave false testimony in the criminal case investigation of the Drugs and Drug Precursor before the court, is sentenced to imprisonment for a minimum of 1 (one) year and a maximum of 10 (ten) years and a fine of a minimum Rp60,000,000.00 (sixty million rupiah) and of the maximum Rp600.000.000,00 (six hundred million rupiah).

Example 2:

Regulation of the Municipality of Sawahlunto Number 9 of 2009 on Entertainment Tax

Taxpayer who intentionally does not submit SPTPD or filled in incorrectly or incompletely or enclose false information as referred to in Article 10 resulting the detriment of local finance is sentenced to imprisonment of at most 3 (three) months and/or a fine at the maximum 4 (four) times the tax payable amount.

121. Due to the distinction between crimes and offenses in the Penal Code, the formulation of the criminal provisions must state clearly the qualifications of the punishable act as an offense or a crime.

Example:

CHAPTER V
CRIMINAL PROVISIONS

Article 33

- (1) Any person who the provisions referred to in Article ... is punished with a maximum confinement ... or a maximum fine of Rp ..., 00
- (2) The offenses as referred to in section (1) is an offense.

122. Formulation of the criminal provisions must state explicitly that the imposed criminal qualification is cumulative, alternative, alternative cumulative.

- a. The cumulative nature:

Example:

Any person who intentionally broadcast the sadism, pornography, and/or the nature of gambling matters as referred to in Article 32 section (7) is sentenced to imprisonment for a maximum of 3 (three) years and fined for a maximum of Rp300.000.000,00 (three hundred million rupiah).

- b. An alternative nature:

Example:

Any person who intentionally broadcast without any permission as referred to in Article 17 section (1) is sentenced to imprisonment for at most 8 (eight) years or fined for a maximum of Rp800.000.000,00 (eight hundred million rupiah).

- c. Cumulative alternative nature:

Example:

Any civil servant or State official who receives gift or promise to be given that it is known or reasonably suspected that the gift or promise

is given because of her/his power or authority related to his/her position, or conceivably the person providing the gift or promise anything to do with his position is sentenced to imprisonment for a minimum of 1 (one) year and a maximum of 5 (five) years and/or fined for a minimum of Rp50,000,000,00 (fifty million rupiah) and a maximum of Rp250.000.000,00 (two hundred fifty million rupiah).

123. The formulation of the criminal provisions must clearly show the elements of criminal acts are cumulative or alternative.

124. In the event the Legislation containing a criminal provision is applied retroactively, the criminal provisions must be excluded in accordance with the general principle in Article 1 section (1) of Penal Code which states that the criminal provisions cannot be applied retroactively.

Example:

This Law comes into force on the date of its promulgation and applies retroactively commencing the date of 1 January 1976, except for its criminal provisions.

125. Criminal provisions for offense against economic activity may not be regulated separately in the said Law, but enough to refer to the Law regulating the economic criminal act, for example, Law Number 7 Drt. of 1955 on Investigation, Prosecution, and Economic Crime Justice.

126. Criminal acts can be committed by individuals or by a corporation. Offenses against the criminal acts committed by the corporation are imposed to:

- a. a legal entity such as a corporation, association, foundation, or cooperation; and/or
- b. the person giving order to commit criminal acts or who acted as the leader in committing a crime.

C.4. Transitional Provisions (if necessary)

127. Transitional Provisions contain the adjusting criminal act regulation or the existing legal relationship based on the prior Legislation regarding the new Legislation, which aims to:

- a. avoid a legal vacuum;
- b. ensure legal certainty;
- c. provide legal protection for those affected by amendment to the provisions of Legislation; and
- d. regulate matters that are transitional or temporary matters.

Example 1:

Law Number 25 of 2007 on Investment.

Article 35

International agreements, whether bilateral, regional, as well as multilateral, regarding investment that has been approved by the Government of the Republic of Indonesia before this Law comes into force, remain valid until the expiration of the agreement.

Example 2:

Regulation of the Province of the Special Capital Region of Jakarta Number 3 of 2009 on Market Area Management.

Article 18

Permits issued before the enactment of this Regional Regulation remain in force until the permit expiration.

Example 3:

Regulation of the Regency of Kuantan Singingi Number 10 of 2009 on Animal Health Care

Article 38

A person or an Entity who has an animal health care business permit existed before the enactment of this Regional Regulation, remains valid and within at most 1 (one) year must adjust with this Regional Regulation.

128. Transitional provisions are contained in Chapter Transitional Provisions and placed between the Chapter of Criminal Provisions and the Closing Provisions. In the event the Legislation does not classify in chapters, article or articles containing Transitional Provisions are placed before the article or articles containing the Closing Provision.
129. The new Legislation may contain provisions concerning temporary deviation or temporary suspension of legal act or a particular legal relationship.

Example 1:

Law Number 39 of 2008 on State Ministry

Article 27

The existing Ministry at the enactment of this Law continue their respective duties until the formation of the Ministry based on the provisions of this Law.

Example 2:

Regulation of the Municipality of Bandung Number 7 of 2008 on Stage, Structural Procedures, Control and Evaluation of the Development Plan Implementation and Regional Development Plan Meeting.

Article 44

(1)

(2) Prior to the enactment of the RPJMD, the drafting of RKPD is guided to the previous period of RPJMD.

130. Temporary deviation to the provisions of this Legislation is also applied to the retroactive provisions.

131. If a Legislation is applied retroactively, the Legislation contains provisions regarding the status of the occurred legal act, or the existing legal relation within the retroactive date and the date of the enactment.

Example:

The excess of allowances arising from the improvement of this Government Regulation is paid not later than 3 (three) months as of the date of the enactment of this Government Regulation.

132. Observing enactment of the general principles of criminal law, the decision of the retroactive is not applied to the Criminal Provisions.

133. Decision of the retroactive enforcement is not contained in the Legislation containing provisions giving concrete burden to society, such as tax or levy collection.

134. If the application of a provision of Legislation is declared to be temporarily suspended for any legal act or certain legal relation, the provisions of the Legislation must contain explicitly and detailed the legal act or legal relation concerned, and the period time or conditions of the termination of the said temporary suspension.

Example:

Semi-finished rattan export permit issued based on the provisions of the Government Regulation Number ... of ... on ... remain valid for a period at most 60 (sixty) days as of the date of issuance of this Government Regulation.

135. The formulation of the Transitional Provisions does not contain hidden amendment to the provision of other Legislation. This amendment is carried out by creating a new definition in the General Provisions Regulation of the Legislation or carried out by establishing a Legislation amendment.

Examples of the hidden amendment formulation:

Article 35

(1) Village or the so-called names at the same level with the existing village at the time of the enactment of this Law, is stated as village according to Article 1 point a.

C.5. Closing Provisions

136. The Closing Provisions is placed in the last chapter. If there is no chapter classification, the Closing Provisions are placed in the last article or articles.

137. Generally the Closing Provisions contains provisions concerning:

- a. appointment of an organ or comprehensive organ implementing the Legislation;
 - b. short name of the Legislation;
 - c. status of the existing Legislation; and
 - d. the time of the enactment of the Legislation.
138. The appointment of an organ or comprehensive organ implementing the legislation is the executive organ, for example, the appointment of certain officials who is given the authority to give permission, and to appoint employee.
139. A long Legislation title may be shortened by taking into account the following matters:
- a. number and year of issuance of the relevant regulations are not listed;
 - b. short names instead of abbreviations or acronyms, unless it is very well known and will not cause any misunderstanding.
140. The brief name does not contain deviate meaning from the contents and name of the regulation.
Examples of short names that are not correct:
(Law on Animal, Fish, and Plants Quarantine)
This Law may be called with the Law on Animal Quarantine
141. Name of legislation that has been brief does not need to be given a short name.
Examples of short names that are not correct:
(Law on Central Bank)
This Law may be called the Law on Bank Indonesia.
142. Synonyms cannot be used for short names.
Examples of short names that are not correct:
(Law on State Administrative Court)
This Law may be called the Law on State Administrative Court.
143. If the substance of the new Legislation caused a change or replacement of the whole or a part of the substance of the old Legislation, in the new Legislation must be regulated clearly the revocation of the whole or a part of the substance of the previous Legislation.
144. Formulation of repeal of Legislation begins with the phrase “At the time... (type of Legislation) comes into force, except for the repeal that carried out by separate repealed Legislation”.
145. For legal certainty, the repeal of Legislation is not generally formulated but stated clearly the repealed Legislation.
146. To repeal Legislation that has been enacted and has come into force, used

the phrase “repealed and declared ineffective”.

Example:

Law Number 27 of 2009 on the People's Consultative Assembly, the House of Representatives, the Regional Representatives Council and the Regional House of Representatives

At the time this Law comes into force, Law Number 22 of 2003 on Structure and Status of the People's Consultative Assembly, the House of Representatives, the Regional Representatives Council and the Regional House of Representatives (State Gazette of the Republic of Indonesia of 2003 Number 92, Supplement to the State Gazette of the Republic of Indonesia Number 4310), is repealed and declared ineffective.

147. If the repealed Legislation is more than 1 (one), the writing is carried out in details in the form of tabulations.

Example:

At the time this Law comes into force:

- a. Hunting Ordinance (*Jachtsordonantie 1931, Staatsblad 1931: 133*);
- b. Ordinance Protection of Wild Animals (*Dierenbeschermingsordonantie 1931, Staatsblad 1931: 134*);
- c. Hunting Ordinance Java and Madura (*Jachtsordonantie Java en Madoera 1940, Staatsblad 1939: 733*); and
- d. Nature Protection Ordinance (*Natuurbeschermingsordonantie 1941, Staatsblad 1941: 167*), are repealed and declared ineffective.

148. The repeal of Legislation is accompanied by information concerning the legal status of an implementing regulations or a decision issued based on the repealed Legislation.

149. To repeal Legislation that has been enacted but not yet come into force, uses phrase “withdrawn and declared ineffective”.

Example:

At the time this Law comes into force, Law Number ... of ... on ... (State Gazette of the Republic of Indonesia of ... Number ..., Supplement to State Gazette of the Republic of Indonesia Number ...) is withdrawn and declared ineffective.

150. Basically the Legislation come into force at the time the Legislation is promulgated.

Example:

- a. This Law comes into force on the date of its promulgation.

- b. This Ministerial Regulation comes into force on the date of its promulgation.
 - c. This Regional Regulation comes into force on the date of its promulgation.
151. If there is deviation toward the coming into force of the Legislation at the time of its enactment, it is stated explicitly in the Legislation by:
- a. determine the specific date when the regulation would apply;
Example:
This Law comes into force on 17 August 2011.
 - b. submit the determination of the coming into force to other same level Legislation if the imposed one is codification, or to other lower Legislation if the coming into force is not a codification;
Example:
The time of come into force of this Law will be determined by Presidential Regulation.
 - c. by determining the expire of a certain period of time as of the Promulgation or enactment. To avoid mis-interpretation using the phrase after the ... (grace period) as of the date of promulgation.
Example:
This Law comes into force after 1 (one) year from the date of its promulgation.
152. Do not use the phrase ... comes into force on the date ... or the like, because this phrase creates uncertainty concerning the time of the enactment of a Legislation, the promulgated time or the effective of the entry into force.
153. Basically the coming into force of Legislation is the same for all parts of the Legislation and the whole territory of the Republic of Indonesia or the entire Province, Regency/Municipal for Provincial Regulation, Regency/Municipal Regulation.
154. Deviation toward the coming into force of Legislation is explicitly declared by:
- a. specify the provisions in the Legislation which the time of coming into force is different;
Example:

Article 45

(1) The provisions as referred to in Article 8 section (1), section (2), section (3), and section (4) come into force on
 - b. determine the time of come into force which is different for the particular country.

Example:

Article 40

(1) The provisions as referred to in Article 15 section (1) come into force in Java and Madura on the date

155. Basically the entry into force of Legislation may not be earlier than the time of the promulgation.

156. If there is a strong reason for the Legislation comes into force earlier than the promulgation, it needs to note the following:

- a. the new provisions relating to criminal matters, either kind, weight, nature, or its classification, do not include in retroactive;
- b. the effect of the retroactive provisions in details to the existing crime, legal relations, and particular legal effect, contain in the transitional provisions;
- c. the beginning of coming into force of Legislation is not determined earlier than the time of such Legislation draft begin to be known by the public, for example, when the Legislation draft is listed in the Prolegnas, Prolegda, and of other legislation draft planning.

157. At the time of coming into force of Legislation, its implementation must not be determined earlier than the time of coming into force of its basic Legislation.

158. Legislation may only be repealed by Legislation of the same level or by a higher Legislation.

159. The repeal of Legislation by a higher Legislation is carried out in the event the higher Legislation is intended to re-accommodate all or part of the substance of the lower Legislation.

D. CLOSING

160. The closing is the final part of Legislation, includes:

- a. formulation of order to promulgate and placement Legislation in the State Gazette of the Republic of Indonesia, State Bulletin of the Republic of Indonesia, the Provincial Gazette, Regency/Municipal Gazette, Provincial Bulletin, or Regency/Municipal Bulletin;
- b. signing of endorsement or enactment of Legislation;
- c. promulgation or Enactment of Legislation; and
- d. end of the closing part.

161. Formulation of order to promulgate and placement Legislation in the State Gazette of the Republic of Indonesia is read as follows:

Example:

In order that every person may know hereof, it is ordered to promulgate this

... (kind of Legislation) by its placement in State Gazette of the Republic of Indonesia.

162. Formulation of order to promulgate and placement Legislation in State Bulletin of the Republic of Indonesia is read as follows:

Example:

In order that every person may know hereof, it is ordered to promulgate this ... (kind of Legislation) by its placement in State Bulletin of the Republic of Indonesia.

163. Formulation of order and placement of Legislation in the Regional Gazette or Regional BULLETIN GAZETTE is read as follows:

Examples of Provincial Regulation:

In order that every person may know of it, we hereby order to promulgate this Regional Regulation by its placement in the Provincial Gazette of West Sumatera.

164. Signing of endorsement or enactment of Legislation includes:

- a. place and date of enactment;
- b. job title;
- c. official signature; and
- d. full name, without title, rank, class, and employee identity numbers of the signer.

165. Formulation of the place and date of enactment placed in the right side.

166. Name and job title of official are written with capital letters. At the end of the job titles put comma punctuation.

- a. for enactment:

Example:

Enacted in Jakarta
on 22 July 2011
PRESIDENT OF THE REPUBLIC OF INDONESIA,
signature
SUSILO BAMBANG YUDHOYONO

- b. for issuance:

Example:

Issued in Jakarta
on 22 July 2011
PRESIDENT OF THE REPUBLIC OF INDONESIA,
signature
SUSILO BAMBANG YUDHOYONO

167. Promulgation of Legislation includes:

- a. place and date of promulgation;

- b. job title of the competent to promulgate;
- c. signature; and
- d. full name, without title, rank, class, and employee identity numbers of the signer.

168. Date of the promulgation of Legislation is placed on the left side (under the signature of the enactment or stipulation).

169. Name of title and official are written with capital letters. At the end of the job titles put comma punctuation.

Example:

Promulgated in Jakarta

on 22 July 2011

MINISTER OF LAW AND HUMAN RIGHTS

OF THE REPUBLIC OF INDONESIA,

signature

PATRIALIS AKBAR

170. If at most 30 (thirty) days, the President does not sign a draft law that has been mutually approved by the DPR and the President, after the name of the promulgated official is written phrase: This Law is declared valid based on the provisions of Article 20 section (5) of the 1945 Constitution of the Republic of Indonesia.

171. If at most 30 (thirty) days Governor or Regent/Mayor does not sign the regional regulation draft which has mutually approved by DPRD and the Governor or Regent/Mayor, after the name of the promulgated official is written the phrase: This Regional Regulation is declared valid.

172. At the end of closing part is written State Gazette of the Republic of Indonesia, State Bulletin of the Republic of Indonesia, Provincial Gazette, Regency/Municipal Gazette, Provincial Bulletin or Regency/Municipal Bulletin with year and number of the State Gazette of the Republic of Indonesia, State Bulletin of the Republic of Indonesia, Provincial Gazette, Regency/Municipal Gazette, Provincial Bulletin or Regency/Municipal Bulletin.

173. The phrase “State Gazette of the Republic of Indonesia” or “Regional Gazette” is written entirely in capital letters.

Example:

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF ... NUMBER ...

Example:

REGIONAL GAZETTE OF THE PROVINCE (REGENCY/MUNICIPALITY) ...

OF ... NUMBER ...

E. ELUCIDATION

174. Every Law, Provincial Regulation and Regency/Municipal Regulation is given elucidation.
175. Legislation under a Law (other than the Province and Regency/Municipal Regulation) may be given elucidation if needed.
176. Elucidation has the function as official interpretation of Legislation drafter on the particular norm in the body. Therefore, the elucidation contains only a description of words, phrases, sentences or the equivalent word/foreign term which can be accompanied by an example. Elucidation as a means to clarify the norms in the body must not result an ambiguity of the norm itself.
177. Elucidation may not be used as a legal basic to make further regulations and may not include a formula containing the norm.
178. Elucidation does not use formulation containing hidden amendment to the Legislation provisions.
179. Elucidation text is made together with the Legislation drafting.
180. Elucidation title is the same as the title of Legislation beginning with phrase "Elucidation of" written in capital letters.

Example:

ELUCIDATION OF
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 3 OF 2011
ON
FUNDS TRANSFER

181. Elucidation of Legislation contains a general explanation and explanation of article by article.
182. Details of the general explanation and explanation of article by article initialed with Roman numbers and written with capital letters.

Example:

- I. GENERAL
- II. ARTICLE BY ARTICLE

183. General explanation includes systematically description of the background of thinking, purpose, and objective of the drafting of Legislation that has been mentioned briefly in the consideration, as well as the principles, purposes, or main substance containing in the body of Legislation.
184. The parts of a general explanation can be with Arabic number, if it is more clear.

Example:

- I. GENERAL

1. Background
...
2. Distribution of Territory
...
3. Government Organizing Principles
...
4. Autonomy Region
...
5. Administrative Region
...
6. Supervision
...

185. If the general description is contained with reference to other Legislation or other documents, the reference is completed with the explanation of the source.

186. Article by article explanation notices the following:

- a. do not contradict with the main substance containing in the body;
- b. do not expand, narrow, or add to the norms meaning in the body;
- c. do not repeat the main substance contained in the body;
- d. do not repeat description of words, terms, phrases, or meaning contained in the general provision; and/or
- e. do not contain delegation formulation.

187. General provisions containing meaning limitation or definition of word or term do not need the explanation.

188. In an article or section which does not need any explanation, the phrase is written "Sufficiently clear", and ends with full stop (.), and begin with the capital S. Article by article explanations are not gathered, although there are several articles in sequence that do not require explanation.

Inappropriate examples:

Article 7, Article 8 and Article 9 (Article 7 to Article 9)

Sufficiently clear.

It should be:

Article 7

Sufficiently clear.

Article 8

Sufficiently clear.

Article 9

Sufficiently clear.

189. If an article consists of several sections or points do not require elucidation, the said article is given "Sufficiently clear", without detailing each section or point.

190. If an article consists of several sections or items and one of sections requires an explanation, each section or item must be included and completed with an appropriate explanation.

Example:

Article 7

Section (1)

Sufficiently clear.

Section (2)

This section is intended to provide legal certainty to the judges and the law users.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

191. If a term/word/phrase in an article or section requires an explanation, use punctuation marks ("...") on the term / word / phrase.

Example:

Article 25

Section (1)

The term "the following session" means the first session of DPR after the Government Regulation in Lieu of Law is enacted.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

F. ANNEX

192. In the event that Legislation requires annex, it is stated in the body that the annex is an integral part of the Legislation.

193. An Annex may contain, among others, descriptions, lists, tables, drawings, maps, and sketches.

194. In the event that Legislation requires more than one Annex, each annex uses

Roman in sequence.

Example : ANNEX I

ANNEX II

195. Title of the annex is written entirely in capital letters placed in the upper right corner without ending punctuation with the left flat.

Example:

ANNEX I

LAW OF THE REPUBLIC OF INDONESIA NUMBER ... OF ...

ON

LEGISLATION MAKING

196. Annex title is written entirely in capital letters placed in the middle without ending punctuation.

Example:

LEGISLATION-MAKING TECHNIQUE

197. On the last page of each annex must include the names and signatures of the competent officials who endorse or enact the Legislation, written with capital letters placed in the bottom right corner and end with punctuation comma after the name of the competent officials who endorse or decide the Legislation.

Example:

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Signature

SUSILO BAMBANG YUDHOYONO

CHAPTER II

SPECIAL MATTERS

A. DELEGATION OF AUTHORITY

198. A superior legislations may delegate its authorities to further regulate to an inferior Legislation.

199. A delegation of authority may be carried out from a Law to another Law, from a Provincial Regulation to another Provincial Regulation, or from a Regency/Municipal Regulation to another Regency/Municipal Regulation.

Example:

Law Number 26 of 2007 on Layout

Article 48

(2) Further provisions regarding the protection of food agricultural permanent land as referred to in section (1) point e are regulated by Law.

200. The delegation of regulating authority must explicitly mention:

- a. the scope of regulating substance; and
- b. Legislation type.

201. If a part of the delegating substance has been regulated in the delegated Legislation but the said substance must only be regulated in the delegated Legislation and may not be delegated further to an inferior Legislation (sub-delegation), use a sentence “Further provisions regarding ... are regulated by...”

Example 1:

Article ...

- (1) ...
- (2) Further provisions regarding ... are regulated by the Government Regulations.

Example 2:

North Gorontalo Regency Regulation Number 87 of 2010 on Advertisement Tax

Article 18

- (1) ...
- (2) Further provisions regarding the procedures of filling and submitting the SKPD or other equal documents are regulated by the Regional Head Regulations.

Example 3:

Regional Regulation Number 4 of 2010 on Regional Waste Management of East Java

Article 23

- (1)
- (2)
- (3) Further provisions regarding the form and procedure of public participation as referred to in section (2) are further regulated by the Governor Regulation.

202. If such material contents are allowed to be further delegated (sub-delegation), use the sentence “Further provisions regarding ... are regulated by or based on ...”

Example:

Article ...

- (1) ...

- (2) Further provisions regarding ... are by regulated or based on the Government Regulation.

203. If the principles of the delegated material contents have not been regulated in a delegating Legislation, and the said substance must be regulated in a Delegated Legislation and may not be further delegated to inferior Legislation (sub-delegation), use the sentence “Further provisions regarding... are regulated by

Example:

Article ...

- (1) ...
- (2) Provisions regarding ... are regulated by the Government Regulation.

204. If the said substance is allowed to be further delegated (sub-delegation), use the sentence “Provisions regarding... are regulated by or based on

Example:

Article ...

- (1) ...
- (2) Provisions regarding ... are regulated by or based on Government Regulations.

205. If there are material contents to be delegated and the said material contents are included in several articles or sections but they will be delegated to a Legislations, use the sentence “Provisions concerning ... are regulated in”

Example:

Aceh Jaya Regency Qanun Number 2 of 2010 on Population Administrative Management

Article 57

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7) Provisions regarding guidelines of requirements and procedure to obtain KIPAS as referred to in section (1) are regulated in Regent Regulation.

206. In the event that there are several material contents to be delegated, the said material contents are allowed to be united in 1 (one) implementation regulation of delegating Legislation, use the sentence “(type of Legislation) ... on implementation Regulation ...”

Example : Government Regulation Number 36 of 2005 on Implementation Regulation of Law number 28 of 2002 on Building Structure.

207. To simplify in titling of implementing regulation, a formulation of delegation needs to mention briefly and completely matters to be further regulated.

Example:

Taken from Law Number 18 of 2009 on Animal Husbandry and Health.

Article 76

(1)

(2)

(3)

(4)

(5) Further provisions regarding the facilities as referred to in section (1) and (2) are regulated by or based on the Government Regulation.

208. If an article consists of several sections, a delegation of authority is contained in the last section of the related article.

209. In the event an article consists of several sections, a delegation of authority may be considered to be contained in a separate article, because the substance of this delegation is fundamentally different compared with substance regulated in earlier sections.

210. In a delegation of authority is not allowed to be a blank delegation.

Example 1:

Article ...

Matters that have not been sufficiently regulated in this Law is further regulated in the Government Regulation.

Example 2:

Aceh Jaya Regency Qanun Number 4 of 2010 on the Establishment of Organizational Structure and Work Procedures of Regional Disaster Management Agency

Article 24

The implementation of matters that have not been regulated in this Qanun, is regulated by the Regent Regulations.

211. The delegation of regulating authority from a Law to ministers, head of non-ministerial government institutions, or ministerial-level officials is limited only for technical-administrative regulations.

212. An authority that is delegated to a state official may not be further delegated to another state official, except if there is a possibility from the Law delegating the said authority.

213. A regulating delegation of authority from a certain Legislation may not be delegated to the Director General, Secretary General, or other officials in the same level.
214. A direct delegation to the Director General or officials in the same level is only permitted by Legislation inferior than the Law.
215. Implementing regulation may not repeat the norms provision regulated in delegating legislation, except if it is unavoidable.
216. An implementation regulation does not re-quote a formula of norm or provision in a superior delegating Legislation. The Quotations may be carried out as long as the said norms or regulations are required as an introduction (*aanloop*) to formulate further norms or provisions in an article or several articles or a section or several sections.

B. INVESTIGATION

217. A provision regarding investigations may only be contained in a law, Provincial Regulation or and Regency/Municipal Regulation.
218. A provision regarding investigations contains delegations of authority to ministry civil servant investigators, non-ministerial government institutions, or certain institutions to investigate violations of Law, Provincial Regulation, or Regency/Municipal Regulation.
219. In formulating provision appointing certain official as civil servant investigator, is suggested not to reduce the authority of the general investigators in conducting investigations.

Example:

A certain Civil Servant Investigator in ... (name of ministry or institution) ... may have the authority to investigate a violations of provisions in this Law (Provincial Regulations or Regency/Municipal Regulations).

220. Provision regarding investigation is placed before the criminal provisions or if there is no classification in the Law, Provincial Regulation, or Regency/Municipal Regulation, it is placed in an article or some articles before the criminal provisions.

C. REPEAL

221. In the event there is an un-required previous legislation and replaced by a new legislation, this new Legislation must strictly repeal the previous un-required legislation.
222. If substance in the new Legislation cause require a part or the whole replacements of the substance in the previous Legislation, the new legislation must strictly regulate the revocation of a part or the whole

substance in the previous Legislation.

223. The Legislation may only be repealed by a same level or superior Legislation.
224. Repeal through a superior Legislation is carried out if the said superior Legislation is intended to re-accommodate the whole or a part substance in the repealed inferior Legislation.
225. If a new Legislation re-regulates the regulated and enforced substance, the repeal of the Legislation is declared in one of the closing article of the new Legislation by using the revoked formula and declared ineffective.
226. The repeal of promulgated Legislation having not been enforced may be carried out with a separated regulation by using the formula : repealed and declared ineffective.
227. If the repeal of Legislation is carried out by a separate repeal regulation, the said repeal regulation fundamentally contains 2 (two) articles written in Arabic numeral, i.e.:
- a. Article 1 contains provisions stating the ineffectiveness of the promulgated Legislation.
 - b. Article 2 contains provisions regarding the commencing of the enforcement of the said repeal Legislation.

Example:

Article 1

Law Number ... of ... on ... (State Gazette of the Republic of Indonesia of ... Number ..., Supplement to the State Gazette of the Republic of Indonesia Number ...) is repealed and declared ineffective.

Article 2

This Law comes into force as the date of its promulgation.

228. The repeal of Legislation causing changes in other related Legislation does not change the said related Legislation, except if strictly declared otherwise.
229. The repealed Legislation or provision remains ineffective, even if the repealing Legislation is repealed also in the future.

D. AMENDMENT TO LEGISLATION

230. Amendment to legislation carried out by:
- a. inserting or adding substance to the Legislation; or
 - b. deleting or replacing a part of the Legislation substance.
231. Amendment to legislation may be carried out toward:
- a. the whole or a part of a book, chapter, part, paragraph, article, and/or section.
 - b. words, phrases, terms, sentences, numbers, and/or punctuation

marks.

232. In the event the the amended Legislation has short title, the Amendment to Legislation may use the short title of the amended Legislation.

233. Basically, the body of the amended Legislation consists of 2 (two) articles, written in Roman number, i.e.:

- a. Article I contains the title of the amended Legislation, by mentioning the State Gazette of the Republic of Indonesia and the Supplement to the State Gazette of the Republic of Indonesia placed between brackets and contains the amended substance or norms. If the amended substance is more than one, every Amendment substance is detailed by using Arabic number (1, 2, 3, ...).

Example 1:

Article I

Some provisions in Law Number ... of ... on ... (State Gazette of the Republic of Indonesia of ... Number ..., Supplement to the State Gazette of the Republic of Indonesia Number ...) are altered as follows:

1. Provision of Article 6 is amended to be as follows: ...
2. Provisions of section (2) and (3) of Article 8 are amended as follows:
...
3. etc...

Example 2

Article I

Provision of Article ... in Law Number ... of ... on... (State Gazette of the Republic of Indonesia of ... Number ..., Supplement to State Gazette of the Republic of Indonesia Number ...) is amended as follows: ...

- b. If such Legislation has been amended more than once, Article I contains, beside following the Number 193 point a, also the year and number of the amended Legislation as well as the State Gazette of the Republic of Indonesia and Supplement to the State Gazette of the Republic of Indonesia, placed between brackets and detailed in small letter (a, b, c, d, ...)

Example:

Article I

Law Number ... of ...on ... (State Gazette of the Republic of Indonesia of ... Number ..., Supplement to State Gazette of the Republic of Indonesia Number ...) which has been changed more than once by the Law:

- a. Number ... of ... on... (State Gazette of the Republic of Indonesia of ... Number ..., Supplement to the State Gazette of the Republic of Indonesia Number ...);
- b. Number ... of ... on... (State Gazette of the Republic of Indonesia of ... Number ..., Supplement to the State Gazette of the Republic of Indonesia Number ...);
- c. Number ... of ... on... (State Gazette of the Republic of Indonesia of ... Number ..., Supplement to the State Gazette of the Republic of Indonesia Number ...);

are amended as follows:

- 1. Chapter V deleted.
 - 2. Provision of Article 11 is amended as follows ...
 - 3. etc...
- c. Article II contains a provision of the date of entry into force. In certain case, Article II may also contain transitional provisions of an Amended Legislation, with different intentions with the transitional provisions of the amended Legislation.

234. If the Legislation is added or inserted with chapter, part, paragraph, or a new article, the said chapter, part, paragraph, or new article is placed in accordance with the related substance.

- a. Chapter insertion

Example:

Between CHAPTER IX and CHAPTER X is inserted 1 (one) chapter, i.e. CHAPTER IX A, so as follows:

CHAPTER IX A

GEOGRAPHIC AND ORIGINAL INDICATIONS

- b. Article Insertion

Example:

Between Article 128 and Article 129 is inserted 1 (one) article, i.e. Article 128A, to be as follows:

Article 128A

In the event a violation of patent is proven, judge may order to confiscate products of patent violation for the state to be destroyed.

235. If in I (one) article consisting of some sections a new section is inserted, that new section is written with Arabic number in accordance to the number of inserted section and is added with small letter a, b, c, placed between bracket.

Example:

Between section (1) and section (2) of Article 18 is inserted 2 (two) section, that are section (1a) and section (1b), Article 18 to be as follows:

Article 18

- (1) ...
- (1 a) . . .
- (1 b) . . .
- (2) ...

236. If there is a deletion of a chapter, a part, a paragraph, an article, or a section of legislation, the deleted chapter, part, paragraph, article, or section is still included with an explanation of: deleted.

Example 1:

- 1. Article 16 is deleted.
- 2. Article 18 section (2) is deleted, so Article 18 is as follows:

Article 18

- (1) ...
- (2) Deleted.
- (3) ...

Example 2:

Regional Regulation regarding Amendment to the Regional Regulation Number 16 of 2005 on Motor Vehicle Test and Levy.

- 5. Provision of Article 4 section (1) and section (2) is deleted, so that Article 4 is as follows:

Article 4

- (1) Deleted.
- (2) Deleted.
- (3) Test Location and the Examiner are decided by the Decision of the Head Transportation Agency.

237. If an amendment to Legislation causes:

- a. the change of Legislation systematic;
- b. the change of substance of legislation more than 50% (fifty percent); or
- c. essential changes, Such amended Legislation is better to be revoked and re-arranged in a new legislation concerning the related matters.

238. If Legislation has often been amended so that it causes difficulties to the users, it will be better that the said Legislation is re-arranged in a draft in accordance with the changes, with the adjustments as:

- a. sequence of chapter, part, paragraph, article, section, number, or point;

- b. mentions; and
- c. spelling, if the amended Legislation is still using the previous spelling.

E. ENACTMENT OF GOVERNMENT REGULATION IN LIEU OF LAW INTO LAW

239. The body of Law regarding the Enactment of Government Regulation In Lieu of Law (Perpu) into Law basically consists of 2 (two) articles, written in Arabic number, as follows.:

- a. Article 1 contains the Enactment of the Government Regulation In Lieu into Law followed by a statement of the attachment of the Government Regulation In Lieu of Law as an integral part of the enacted Law.
- b. Article 1 contains the date of the enactment.

Example:

Law Number 15 of 2003 on The Enactment of Government Regulation In Lieu of Law Number 1 of 2002 into Law on The Eradication of Terrorism Crime.

Article 1

Government Regulation In Lieu of Law Number 1 of 2002 on The Eradication of Terrorism Crime (State Gazette of the Republic of Indonesia of 2002 Number 106, Supplement to the State Gazette of the Republic of Indonesia Number 4232) is enacted as Law, and attached herein as an integral part of this Law.

Article 2

This Law comes into force on the date of its promulgation.

F. RATIFICATION OF INTERNATIONAL AGREEMENT

240. The body of the Law regarding Ratification of International Agreement is basically consists of 2 (two) articles written in Arabic number, as follows:

- a. Article 1 contains the ratification of international agreement containing a statement of the attachment of the original document copy and its translation in Indonesian Language.
- b. Article 2 contains the provision of the time of the enter into force.

Example of multilateral agreement:

Article 1

Ratifying the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapon and on Their Destruction with its original document in English, and its translation in Indonesian Language as attached; and are an integral part of this Law.

Article 2

This Law comes into force on the date of its promulgation.

Example of bilateral agreement which only use two languages:

Article 1

Ratifying the Treaty between the Republic of Indonesia and Australia on Mutual Assistance in Criminal Matters, signed on 27 October 1995 in Jakarta with its original document in Indonesian Language and English as attached; and are an integral part of this Law.

Article 2

This Law comes into force on the date of its promulgation.

Example of bilateral agreement in more than two languages:

Article 1

Ratifying the Agreement between the Government of the Republic of Indonesia and the Government of Hong Kong for the Surrender of Fugitive Offenders, which has been signed in May 5th 1977 in Hong Kong with its original document in Indonesian Language, English, and Chinese as attached; and as an inseparable part of this Law.

Article 2

This Law comes into force on the date of its promulgation.

241. The formulating of Article 1 to enact an international agreement by Law is also applied to the enactment of an international agreement by Presidential Regulation.

CHAPTER III

LEGISLATION LANGUAGE VARIETY

A. LEGISLATION LANGUAGE

242. Basically, Legislation language is subject to the grammar of Indonesian Language, in construction of words, structure of sentences, writing techniques, as well as spellings. But the Legislation language has own feature which emphasizes the definition clarity, simplicity, standard, harmony, and principle consistency according to legal requirements in the formulation and writing method.

243. Characteristics of Legislation language are:

- a. simple and definite, to avoid multiple meanings and ambiguity;
- b. frugal feature, by only using required words;
- c. objective and suppressing subjective judgment (no emotion to express meanings or aims);
- d. standardizing word meanings, idioms, or consistently used term;

- e. describing carefully definition or limitation of meaning;
- f. writing the singular or plural words in singular forms; and

Example:

books are written as book

students are written as student

- g. writing initial letter of word, phrase, or term, which has been defined or has been given limitation meaning, names of titles, professions, institution/agency of government /constitutional agencies and, and kind as well as drafts of legislations formulated in norms are written in capital letter.

Example:

- Government
- Taxpayer
- Draft Government Regulation

244. In formulating provisions of a legislation, use strictly, definite, simple, and easy to understand sentences.

Example:

Article 5

- (1) To make a request to the Court as referred to in Article 4 section (1) of this Law; it must fulfill the following requirements:

A better formulation:

- (2) To make a request of marrying of more than one wife as referred to in Article 4 section (1) must fulfill the following requirements:

245. Do not use words or phrases with uncertain meanings or content in an unclear sentence within a sentence.

Example:

Liquor has unclear definition compared to alcoholic beverage.

246. Formulating provisions of Legislation, use the standard norm of Indonesian Language.

Example of non-standard grammar:

Company business permit violating obligations as referred to in Article 6 may be revoked.

Example of standard grammar:

A company violating obligations as referred to in Article 6 may be repealed from its business permit.

247. In broadening the meaning of a word or term generally understood without giving new definitions, use the word “include”

Example:

Regional Regulation Number 4 of 2010 on Hulu Sungai Utara Regency
Population Administrative Management

Article 58

(3) Report as referred to in section (2) includes:

- a. The name and address of the printing company which perform the printing of forms;
- b. The amount of printed forms;
- c. The amount of published document.

248. In narrowing the meaning of a word or term generally understood, without giving new definitions, use the term 'does not include.'

Example:

Ship crew does not include apprentice cook.

249. Do not give a meaning of a word or phrase which has the meaning deviated from the common daily used meaning.

Example:

Agriculture includes plantation, animal husbandry, and fisheries.

A better formulation:

Agriculture includes plantation.

250. In the same Legislation, do not use:

- a. several different terms to address the same meaning.

Example:

Salary, wage, or revenue may be defined as income. If in an article has used the word salary for "income" it is used in all the articles. Do not use the word "wages" or "revenue" to address the term income.

- b. One term to address different definitions.

Example:

The term "arrest" does not include detention or captivity, because the term 'arrest' is not equal to detention.

251. If it refers to another article or section, do not use the phrases 'without reducing,' 'does not reduce,' or 'without deviating from.'

252. To avoid change of the name of ministry, to address the minister better use the address based on the said government affairs.

Example:

Minister is Minister administering the government affairs in the in fields of finance.

253. Absorption of generally used words, phrases, or terms of foreign language

and their spelling has been used and adjusted the spelling with the norm of Indonesian Language, may be used if:

- a. the connotation is suitable;
- b. the word is shorter than its synonym in Indonesian Language;
- c. has international feature;
- d. easier to reach an agreement; or
- e. easier to be understood compared to its translation in Indonesian Language.

Example:

1. devaluation (currency depreciation)
2. devisa (foreign exchange)

254. The foreign words, phrases, or terms are used only in the elucidation of Legislation. The foreign words, phrases, and terms preceded by the synonym in Indonesian Language, are written in italic, and placed between brackets ().

Example:

1. penghinaan terhadap peradilan (*contempt of court*)
2. penggabungan (*merger*)

B. CHOOSING OF WORD OR TERM

255. Use 'a maximum of or a minimum of' to address maximum and minimum meanings in determining criminal threat or time limitation.

Example:

... be sentenced to imprisonment for a minimum of 3 (three) years or a maximum of 20 (twenty) years and a fined for a minimum of Rp500,000.00 (five hundred thousand rupiah) or the maximum Rp1,000,000,000.00 (one billion rupiah).

Example:

... be sentenced to imprisonment for a maximum of 6 (six) months or a fine for a maximum of Rp50,000,000.00 (five million rupiah)

256. To address maximum or minimum for units:

- a. for time, use the phrases "at least" or "at most" to define period time;

Example 1:

Implementing regulation of this Law must be published at most 1 (one) year after this Law is promulgated.

Example 2:

The President orders the representing ministers discuss the draft Legislation together with DPR within at most 60 (sixty) days as of the receipt of the letter from the Chairman of the DPR.

- b. For time, use the phrase not later than or at the earliest to define time limitation.

Example:

Business permit petition is submitted to the industrial agency not later than 22 July 2011.

- c. For the amount of money, use the phrase “a minimum of” or “a maximum of”.
- d. For the amount of non-money, use phrases at the lowest or at the highest.

257. To state a meaning not included, use the word “except”. The word “Except” is placed in front of a sentence if the exception is the whole sentence.

Example:

Law Number 8 of 2010 on Prevention and Eradication of Money Laundering Crime

Article 29

Except there is an element of abuse of power, the Reporting Parties, officials, and their employees are not prosecuted either civilly or criminally for executing the obligation to report in accordance with this Law.

258. The word “except” is placed directly behind certain word if it is only limited to the related words.

Example:

Law Number 6 of 2011 on Immigration

Article 1

...

38. Passenger means any person in a vehicle except vehicle crews.

259. To state an “included” meaning, use the word ‘other than.’

Example:

Law Number 40 of 2007 on Limited Liability Company.

Article 77

- (1) Other than RUPS as referred to in Article 76, RUPS may also be carried out through teleconference media, video conference, or other possible electronic media to make possible for shareholders to see and listen directly as well to participate in the meeting.

260. To state an assumption or possibility, use the words or phrase “if”, “when”, or the phrase “ in the event of”.

- a. The word “if” is used for stating causality (because-then pattern).

Example:

If a company violates obligations as referred to in Article 6, then its permits may be withdrawn.

Law Number 27 of 2009 on The People Consultative Assembly, The House of Representative, The Regional House of Council, and The Regional House of Representative.

Article 41

(3) If the President position is vacant, then the People Consultative Assembly holds a plenary session to inaugurate the Vice President to be President.

- b. The word “when” is used for stating the causality related to time.

Example:

When a member of the Corruption Eradication Commission resign during his term of office because of reasons as referred to in Article 10 section (4), the said member is replaced by a substitute member until the termination of term of office.

- c. The phrase “in the event of” is used for stating the possibility, the possible condition to occur, or impossible condition (possibility pattern).

Example:

In the event of absence of the Chairman; the session is chaired by the Deputy Chairman.

Law Number 13 of 2010 on Horticulture

Article 33

- (2) In the event of insufficient or unavailable local horticulture, imported horticulture may be consumed.

261. Phrase “at the time” is used for addressing certain condition in the future.

Example:

Law Number 25 of 2009 on Public Services

Article 59

With the enforcement of this Law, every regulation or provision regarding public services management are required to be in accordance with the provisions in this Law in 2 (two) years at the latest.

262. To address a cumulative characteristic, use the word ‘and.’

Example:

Law Number 38 of 2009 on Post.

Article 30

The Post Management is obligated to keep confidentiality, security, and

safety of the shipment.

263. To address an alternative characteristic, use the word 'or.'

Example:

Law Number 39 of 2009 on The State Ministry

Article 19

(1) A change as a result of division or merger of ministries is carried out by the approval of the DPR.

Law Number 9 of 2010 on Protocol

Article 22

(2) In the event that there is no musical corps or drum and/or trumpet, raising and lowering of the State flag is accompanied by the National anthem by the whole participants of ceremony.

264. To address cumulative and as well as alternative characteristics, use the phrase "and/or".

Example:

Law Number 18 of 2009 on Animal Husbandry and Health

Article 69

(1) Animal health services includes veterinary laboratory services, veterinary examination and test laboratory, veterinary medical services, and/or services in the animal health services center or in the animal health post

Example:

Law Number 9 of 2010 on Protocol

Article 31

(2) Salutation as referred to in section (1) includes:

- a. salutation using State flag;
- b. salutation using National Anthem; and/or
- c. other salutations in accordance with the legislation provisions.

265. To address a right, use phrase "have/has the right".

Example:

Law Number 27 of 2009 on People Consultative Assembly, DPR, DPD, and DPRD

Article 72

(1) In carrying out its duties and authorities, DPR has the right to request the State officials, Government officials, legal entities, or private citizens to provide explanation concerning matters to be solved for the sake of the Nation and the Country.

266. To address granting authority to certain person or body, use the phrase “have/has the authority”.

Example:

Law Number 1 of 2009 on Aviation.

Article 313

(1) The Minister has the authority to decide the law enforcement program and take legal action in the field of flight safety.

267. To address discretion from authority granted to certain person or body, use the word ‘may.’

Example 1:

Law Number 4 of 2009 on Mineral and Coal Mining

Article 90

Holder of IUP and IUPK may perform a part or the whole of mining business steps, whether in the exploration or production activities.

Example 2:

Regional Regulation Number 4 of 2010 on the Hulu Sungan Utara Regency Population Administrative Management .

Article 28

(2) Citizens who are unable to report by him/herself on the population incidents related to him/her can be aided by the implementing agency or asking assistance to other citizen.

268. To declare established obligation, use word ‘obligated.’ If such obligation is not fulfilled, then the said person is sanctioned.

Example 1:

Law Number 6 of 2011 on Immigration

Article 8

(1) Every person who enters or exits of the Indonesia territory is obligated to possess a valid and current Traveling Document.

Example 2:

Regional Regulation Number 4 of 2010 on the North Hulu Sungai Regency Population Administrative Management

Article 17

(1) Every citizen is obligated to possess NIK.

269. To state the fulfillment of certain condition or tem, use the word “must”. If such requirement is not fulfilled, the related person will not gain something he/she should get if he/she were able to fulfill such condition or term.

Example:

Law Number 5 of 2011 on Public Accountant

Article 6

- (1) To have a license to be a Public Accountant as referred to in Article 5 section (1), a person must fulfill these following requirements:
- a. holding a certificate indicating that he/she passes valid professional public accountant test;
 - b. having experience in practice to offer services as referred to in Article 3;
 - c. residing in the territory of the Republic of Indonesia;
 - d. holding Taxpayer Identification Number;
 - e. having never been penalized administratively in the form of revocation of the Public Accountant license;
 - f. having never been sentenced to imprisonment with final and binding status because of crime with criminal threat of 5 (five) years or more;
 - g. becoming a member of the Public Accountant Professional Association stipulated by Minister; and
 - h. being not currently in guardianship.

270. To declare restriction, use the word 'prohibited.'

Example 1:

Law Number 1 of 2011 on Housing and Residential Area.

Article 135

Every person is prohibited from renting or transferring the ownership of common housing to other person.

Example 2:

Regulation of Regency of North Hulu Sungai Number 2 of 2010 on Fishery Business License and Fishery Activity Registration

Article 11

- (1) Every holder of IUP and TPKP is prohibited from:
- a. doing fishing activities using forbidden tools such as chemical, explosive, drug, electric current, and fishing tools with the measures of less than 2.5 cm or fishing tools with bar less than 1 cm.

C. REFERENCE TECHNIQUE

271. Basically, every article is a complete definition without referring to other articles or section. But to avoid reformulation, a reference technique is required.

272. Reference technique is carried out by pointing to an article or section of Legislation concerned or other Legislation using the phrase “as referred to in Article ...” or “as referred to in section...”

Example 1:

Law Number 35 of 2009 on Narcotics

Article 72

- (1) The authority as referred to in Article 71 is carried out by investigators from the BNN.
- (2) The BNN investigator as referred to in section (1) is appointed and dismissed by head of BNN.

Example 2:

Regional Regulation Number 4 of 2010 on North Hulu Sungai Regency Population Administrative Management

Article 5

- (1) In implementing the duty and authority as referred to in Article 4 section (2) point a, the official coordinates with vertical agencies and non-ministerial governmental agencies.
- (2) The Coordination as referred to in section (1) is in accordance with the planning, organizing, implementing, monitoring, and evaluating aspects of population administrative management.

273. Reference to more than two series of articles, sections, or points do not need to mention article by article, section by section, or point by point. It is sufficient to use word “to”.

Example:

Law Number 21 of 2008 on Sharia Banking

Article 10

Further provisions concerning permit, the form of company, articles of association, as well as the establishment and ownership of a Sharia Bank as referred in Article 5 to 9 are regulated by the Regulation of Bank of Indonesia.

Law Number 4 of 2011 on Geospatial Information

Article 57

- (5) Further provisions regarding coaching as referred to in section (1) to section (4) are regulated by the Government Regulation.

Law Number 21 of 2008 on Sharia Banking

Article 37

(3) . . .

- f. a company containing interests of parties as referred to in point a to point e.

274. Reference to more than two consecutive articles or sections but there is one excepted section within an article, the unreferred article or section are stated with word 'except.'

Example:

- a. Provisions as referred to in Article 5 to Article 12 are also applied to prospective judges, except Article 7 section (1).
- b. Provisions as referred to in section (1) to section (5) are also applied to prisoners, except section (4) point a.

275. The word 'article' is not necessary if the referred section is one of the sections in the related article.

Example:

Incorrect formulation:

Article 8

- (1) . . .
- (2) License as referred to in section (1) of this Article is applied for 60 (sixty) days.

276. In the event there two or are more references, reference sequence begins from the section in the related article (if any) followed by articles or sections with lower number.

Example:

Article 15

- (1) ...
- (2) . . .
- (3) License as referred to in section (1), Article 7 section and section (4), Article 12, and Article 13 section (3) is submitted to the Minister of Mining.

277. Reference is written by including briefly the referred matters.

Example:

Coal mining license as referred to in Article 15 is granted by

278. Reference is only allowed toward the same or superior Legislations level.

279. Avoid reference to article or section located after the referencing article or section.

Example:

Law Number 8 of 2010 on Crime of Money Laundering

Article 15

Officials or employees of PPATK who violates duty as referred to in Article 37 section (4) are sentenced to imprisonment for a maximum of 2 (two) years and a fine for a maximum of Rp500,000,000.00 (five hundred million rupiah).

280. Reference is carried out by mentioning strictly the number of referred article or section and do not use “earlier article” or “article mentioned above” phrase.
281. Reference to state the applicability of un-detailed various Legislation, use the phrase “in accordance with the Legislation provisions”.
282. To state that the implementing regulation of Legislation are remain effective as long as they are not contradictory with Legislation, use the phrase “declared to remain effective to the extent not contrary to the provisions of the ... (kind of related legislation).

Example:

With the enforce of this Law, all implementing Legislation of Law Number 10 of 2004 on Legislation Making (Gazette of the Republic of Indonesia of 2004 Number 53, Supplement to the State Gazette of the Republic of Indonesia Number 4869), is declared to remain effective to the extent not contrary to the provisions of the provisions of this Law.

283. In the event the declared legislation remain valid is only a part of provisions of the said Legislations, use phrase “declared to remain effective, except”...

Example:

With the enforce of this Law, the Government Regulation Number ... of ... on ... (State Gazette of the Republic of Indonesia of ... Number ..., Supplement to State Gazette of the Republic of Indonesia Number ...) is declared remain effective, except Article 5 to Article 10.

284. Document of Legislation is written using Bookmark Old Style font 12 pt on F4 paper.

CHAPTER IV
FORM OF DRAFT LEGISLATION

A. FORM OF DRAFT

LAW OF THE REPUBLIC OF INDONESIA
NUMBER ... OF ...
ON
...
(Name of Law)

BY THE BLESSINGS OF ALMIGHTY GOD
PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : a. that...;
b. that...;
c. and so on ...;

Observing : 1. ...;
2. ...;
3. and so on ...;

With the Joint Approval of
THE HOUSE OF REPRESENTATIVES
and
PRESIDENT OF THE REPUBLIC OF INDONESIA,
HAS DECIDED:

To enact : LAW ON ... (Name of Law)

CHAPTER I

...

Article 1

...

CHAPTER II

...

Article

...

CHAPTER ... (and so on)

...

Article

...

This Law comes into force as of the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Law by its placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta

on ...

PRESIDENT OF THE REPUBLIC OF INDONESIA

Signed

NAME

Promulgated in Jakarta

on ...

MINISTER OF (administering the government affairs in the legal field),

Signed

NAME

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF ... NUMBER ...

B. DRAFT LAW ON ENACTMENT OF GOVERNMENT REGULATION IN LIEU OF LAW INTO LAW

LAW OF THE REPUBLIC OF INDONESIA

NUMBER ... OF ...

ON

ENACTMENT OF GOVERNMENT REGULATION

IN LIEU OF LAW NUMBER ... OF ...

ON ... INTO LAW

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : a. that...;
b. that...;
c. and so on ...;

Observing : 1. ...;
2. ...;
3. and so on ...;

With the Joint Approval of

THE HOUSE OF REPRESENTATIVES

THE REPUBLIC OF INDONESIA

and

PRESIDENT OF THE REPUBLIC OF INDONESIA

HAS DECIDED:

To enact : LAW ON ENACTMENT OF GOVERNMENT REGULATION IN LIEU OF LAW NUMBER ... OF ... ON ... INTO LAW.

Article 1

The Government Regulation In Lieu of Law Number ... of ... on ... (State Gazette of the Republic of Indonesia of ... Number ..., Supplement to the State Gazette of the Republic of Indonesia Number ...) is enacted into Law and attached it as an integral part of this Law.

Article 2

This Law comes into force as of the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Law by its placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta

on ...

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Signed

NAME

Promulgated in Jakarta

on ...

MINISTER OF (administering the government affairs in the legal field),

Signed

NAME

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF ... NUMBER

C. DRAFT LAW ON RATIFICATION OF INTERNATIONAL TREATY WHICH DOES NOT USE INDONESIAN LANGUAGE AS ONE OF OFFICIAL LANGUAGE

LAW OF THE REPUBLIC OF INDONESIA

NUMBER ... OF ...

ON

RATIFICATION OF ... CONVENTION

(original language of ratified international treaty and followed by Indonesian Language as its translation)

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : a. that...;
b. that...;
c. and so on ...;

Observing : 1. ...;
2. ...;
3. and so on ...;

By the Joint Approval of

THE HOUSE OF REPRESENTATIVES

and

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAS DECIDED:

To enact : LAW ON RATIFICATION OF ... CONVENTION (original language of ratified international treaty and followed by Indonesian Language as its translation).

Article 1

- (1) To ratify the Convention ... (original language of ratified international treaty and followed by Indonesian Language as its translation) with Reservation to Article ... concerning...
- (2) A copy of the original Convention ... (original language of ratified international treaty and followed by Indonesian Language as its translation) ... with Reservation to Article ... concerning... in English and its translation in Indonesian Language as herewith

attached and constitutes an integral part of this Law.

Article 2

This Law comes into force as of the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Law by its placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta

on ...

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Signed

NAME

Promulgated in Jakarta

on ...

MINISTER OF (administering the government affairs in the legal field),

Signed

NAME

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF ... NUMBER ...

D. FORM OF DRAFT LAW ON THE AMENDMENT TO LAW
LAW OF THE REPUBLIC OF INDONESIA
NUMBER ... OF ...
ON
AMENDMENT TO LAW NUMBER ... OF ... ON ...
(for first amendment)

or

THE SECOND AMENDMENT TO LAW NUMBER ... OF ... ON ...
(for the second amendment and so on)

BY THE BLESSINGS OF ALMIGHTY GOD
PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : a. that ...;
b. that...;
c. and so on ...;

Observing : 1. ...;
2. ...;
3. and so on ...;

With Joint Approval of
THE HOUSE OF REPRESENTATIVES
and
THE PRESIDENT OF THE REPUBLIC OF INDONESIA
HAS DECIDED:

To enact : LAW ON AMENDMENT TO LAW NUMBER ... OF ... ON...

Article I

Some provisions in Law Number ... of ... (State Gazette of the Republic of Indonesia of ... Number ..., Supplement to the State Gazette of the Republic of Indonesia Number ...) are amended as follows:

1. Provision of Article ... (formulation depends on the necessity), and so on.

Article II

This Law comes into force as of the date of its promulgation. In order that every person may know hereof, it is ordered to promulgate this Law by its placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta

on ...

PRESIDENT OF THE REPUBLIC OF INDONESIA

Signed

NAME

Promulgated in Jakarta

in ...

MINISTER OF (administering the government affairs in the legal field),

Signed

NAME

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF ... NUMBER ...

E. FORM OF DRAFT LAW ON THE REPEAL OF LAW

LAW OF THE REPUBLIC OF INDONESIA

NUMBER ... OF ...

ON

REPEAL OF LAW NUMBER ... OF...

ON ... (Name of Law)

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : a. that ...;
b. that ...;
c. and so on ...;

Observing : 1. ...;
2. ...;
3. and so on ...;

With Joint Approval of

THE HOUSE OF REPRESENTATIVES

THE REPUBLIC OF INDONESIA

and

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

HAS DECIDED:

To enact : LAW ON REPEAL OF LAW NUMBER ... OF... ON...

Article 1

Law Number ... of ... on ... (State Gazette of the Republic of Indonesia of ... Number ..., Supplement to State Gazette of the Republic of Indonesia Number ...) is repealed and declared ineffective (for applied law) or withdrawn and declared ineffective (for enacted law but has not yet been applied).

Article 2

This Law comes into force on the date of the promulgation.

In order that every person may know hereof, it is ordered to promulgate this Law by its placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta

on ...

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Signed

NAME

Promulgated in Jakarta

on ...

MINISTER OF (administering the government affairs in the legal field),

Signed

NAME

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF ... NUMBER ...

F. FORM OF DRAFT LAW OF REPEAL OF GOVERNMENT REGULATION IN LIEU OF LAW

LAW OF THE REPUBLIC OF INDONESIA

NUMBER ... OF ...

ON

REPEAL OF GOVERNMENT REGULATION IN LIEU OF LAW

NUMBER ... OF ... ON...

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : a. that ...;
b. that...;
c. and so on ...;

Observing : 1. ...;
2. ...;
3. and so on ...;

With The Joint Approval of

THE HOUSE REPRESENTATIVES

and

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAS DECIDED:

To enact : LAW NUMBER ... OF ... ON REPEAL OF GOVERNMENT REGULATION IN LIEU OF LAW NUMBER ... OF ... ON...

Article 1

The Government Regulation In Lieu of Law Number ... of ... on ... (State Gazette of the Republic of Indonesia of ... Number ..., Supplement to the State Gazette of the Republic of Indonesia Number ...) is repealed and declared ineffective (for applied Government Regulation In Lieu of Law) or is withdrawn and declared ineffective (for enacted Government Regulation In Lieu of Law that has not yet been applied).

Article 2

This Law comes into force on the date of the promulgation.

In order that every person may know hereof, it is ordered to promulgate this Law by its placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta

on ...

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Signed

NAME

Promulgated in Jakarta

on ...

MINISTER OF (administering the government affairs in the legal field),

Signed

NAME

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF ... NUMBER ...

G. DRAFT GOVERNMENT REGULATION IN LIEU OF LAW
GOVERNMENT REGULATION
IN LIEU OF LAW OF THE REPUBLIC OF INDONESIA
NUMBER ... OF ...

ON

(Name of the Government Regulation in Lieu of Law)

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : a. that ...;
b. that ...;
c. and so on ...;

Observing : 1. ...;
2. ...;
3. and so on ...;

HAS DECIDED:

To enact : GOVERNMENT REGULATION IN LIEU OF LAW NUMBER
... OF ... ON... (Name of Government Regulation in Lieu of
Law).

CHAPTER I

...

Article 1

CHAPTER II

...

Article ...

CHAPTER

(and so on)

Article 2

This Government Regulation In Lieu of Law comes into force
as of the date of the promulgation.

In order that every person may know hereof, it is ordered to promulgate this Government Regulation In Lieu of Law by its placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta

on ...

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Signed

NAME

Promulgated in Jakarta

on ...

MINISTER OF (administering the government affairs in the legal field),

Signed

NAME

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF ... NUMBER ...

H. FORM OF DRAFT GOVERNMENT REGULATION
GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA
NUMBER ... OF ...

ON

(Name of Government Regulation)

BY THE BLESSINGS OF ALMIGHTY GOD
PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : a. that ...;
b. that ...;
c. and so on ...;

Observing : 1. ...;
2. ...;
3. and so on ...;

HAS DECIDED:

To enact : GOVERNMENT REGULATION ON ... (Name of Government
Regulation).

CHAPTER I

...

Article 1

CHAPTER II

...

Article ...

CHAPTER ...

(and so on)

Article ...

This Government Regulation comes into force as of the date
of the promulgation.

In order that every person may know hereof, it is ordered to
promulgate this Government Regulation by its placement in
the State Gazette of the Republic of Indonesia.

Enacted in Jakarta

on ...

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Signed

NAME

Promulgated in Jakarta on ...

MINISTER OF (administering the government affairs in the legal field),

Signed

NAME

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF ... NUMBER ...

I. FORM OF DRAFT PRESIDENTIAL REGULATION

PRESIDENTIAL REGULATION OF THE REPUBLIC OF INDONESIA

NUMBER ... OF ...

ON

(Name of Presidential Regulation)

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : a. that ...;
b. that ...;
c. and so on ...;

Observing : 1. ...;
2. ...;
3. and so on ...;

HAS DECIDED:

To issue : PRESIDENTIAL REGULATION ON ... (Name of Presidential Regulation).

CHAPTER I

...

Article 1

CHAPTER II

...

Article ...

CHAPTER ...

(and so on)

Article ...

This Presidential Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Presidential Regulation by its placement in the State Gazette of the Republic of Indonesia.

Issued in Jakarta

on ...

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Signed

NAME

Promulgated in Jakarta on ...

MINISTER OF (administering the government affairs in the legal field),

Signed

NAME

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF ... NUMBER ...

J. FORM OF DRAFT MINISTERIAL REGULATION

REGULATION OF MINISTER ... OF
THE REPUBLIC OF INDONESIA
NUMBER ... OF ...

ON

(Name of Ministerial Regulation)

BY THE BLESSINGS OF GOD ALMIGHTY
MINISTER OF ... OF THE REPUBLIC OF INDONESIA,

Considering : a. that ...;
b. that ...;
c. and so on ...;

Observing : 1. ...;
2. ...;
3. and so on ...;

HAS DECIDED:

To issue : REGULATION OF MINISTER OF ... ON... (Name of
Ministerial Regulation).

CHAPTER I

...

Article 1

CHAPTER II

...

Article ...

CHAPTER ...

(and so on)

Article ...

This Ministerial Regulation comes into force on the date of
its promulgation.

In order that every person may know hereof, it is ordered to
promulgate this Ministerial Regulation by its placement in
the Bulletin Gazette of the Republic of Indonesia.

Issued in Jakarta

on ...

MINISTER OF ... OF THE REPUBLIC OF INDONESIA,

Signed

NAME

Promulgated in Jakarta

on ...

MINISTER OF (administering the government affairs in the legal field),

Signed

NAME

BULLETIN GAZETTE OF THE REPUBLIC OF INDONESIA OF ... NUMBER ...

K. FORM OF DRAFT PROVINCIAL REGULATION

REGULATION OF THE PROVINCE OF...

NUMBER ... OF ...

ON

(name of Regional Regulation)

BY THE BLESSINGS OF ALMIGHTY GOD

GOVERNOR OF... (Name of Province),

Considering : a. that ...;
b. that ...;
c. and so on ...;

Observing : 1. ...;
2. ...;
3. and so on ...;

With the Joint Approval of

THE REGIONAL HOUSE OF REPRESENTATIVES OF ... (Name of Province) PROVINCE

and

GOVERNOR OF ... (Name of Province)

HAS DECIDED:

To issue : PROVINCIAL REGULATION ON (name of Provincial Regional Regulation).

CHAPTER I

GENERAL PROVISIONS

Article 1

CHAPTER II

...

Article ...

CHAPTER ...

(and so on)

Article ...

This Provincial Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Provincial Regulation by its placement in the Provincial Gazette.

Issued in ...

on ...

GOVERNOR OF ... (Name of Province),

Signed

NAME

Promulgated in ...

on ...

REGIONAL SECRETARY OF PROVINCE... (Name of Province),

Signed

NAME

PROVINCIAL GAZETTE OF... (Name of Province) OF ... NUMBER ...

L. FORM OF DRAFT REGENCY/MUNICIPAL REGULATION
REGIONAL REGULATION OF REGENCY/MUNICIPALITY...

(Name of Regency/Municipality) NUMBER ... OF ...

ON

(name of Regional Regulation)

BY THE BLESSINGS OF ALMIGHTY GOD

REGENT/MAYOR OF ...(Name of Regency/Municipality),

Considering : a. that...;
b. that ...;
c. and so on ...;

Observing : 1. ...;
2. ...;
3. and so on ...;

With the Joint Approval of

THE REGIONAL HOUSE OF REPRESENTATIVES OF
REGENCY/MUNICIPALITY ... (name of regency/municipality)

and

THE REGENT/MAYOR OF ... (Name of Regency/Municipality)

HAS DECIDED:

To issue : REGIONAL REGULATION ON... (name of Regional
Regulation).

CHAPTER I

GENERAL PROVISION

Article 1

CHAPTER II

...

Article ...

CHAPTER ...

(and so on)

Article ...

This Regional Regulation comes into force as of the date of
the promulgation.

In order that every person may know hereof, it is ordered to
promulgate this Regional Regulation by its placement in the
Regional Gazette of ... (Name of Regency/Municipality)
Regency/Municipality.

Issued in ...

on ...

REGENT/MAYOR OF ...(Name Regency/Municipality),

signed

NAME

Promulgated in ...

on ...

REGIONAL SECRETARY OF REGENCY/MUNICIPALITY OF

(name of regency/municipality),

signed

NAME

REGENCY/MUNICIPAL GAZETTE OF ... (name of regency/municipality) OF ...

NUMBER ...

PRESIDENT OF THE REPUBLIC OF INDONESIA,

SIGNED

DR. H. SUSILO BAMBANG YUDHOYONO

ELUCIDATION
OF
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 12 OF 2011
ON
LEGISLATION MAKING

I. GENERAL

The Law on Legislation Making is the implementation of Article 22A of the 1945 Constitution of the Republic of Indonesia, which states that "Further provisions on the procedure for law making are regulated by law". The scope of the content of this Law is broadened to cover not only laws but also other types of Legislation, excluding the 1945 Constitution of the Republic of Indonesia and the Decision of the People's Consultative Assembly.

The Law on Legislation Making is made based on the premise that Indonesia is a law-based State. As a law-based State, all aspects of the social, national, and state life, including governance, must be based on law in line with the national legal system. The national legal system is the law applicable in Indonesia wherein all elements support one another to anticipate and address any matter arising in the social, national, and state life under Pancasila and the 1945 Constitution of the Republic of Indonesia.

This Law updates Law Number 10 of 2004, among others, for the following reasons:

- a. some of the provisions of Law Number 10 of 2004 were found confusing or open to interpretation that could lead to legal uncertainty;
- b. inconsistent formulations drafting;

- c. addition of new matters to respond to legal developments or needs in Legislation Making; and
- d. systematic description of the subject matters of each chapter.

As improvement to the previous Law, new matters are added to this Law, among others:

- a. the Decision of People's Consultative Assembly is added as a type of Legislation and its hierarchical order is placed after the 1945 Constitution 1945 of the Republic of Indonesia;
- b. the scope of the planning of Legislation extends not only to the Prolegnas and to the Prolegda but also to the planning of Government Regulations, Presidential Regulations, and other types of Legislation;
- c. the mechanism of discussion of draft Law on Repeal of Government Regulation in Lieu of Law;
- d. Academic Draft is a prerequisite for preparation of draft Laws, draft Provincial Regulations, and draft Regent/Municipal Regulations;
- e. the involvement of legislative drafters, researchers, and experts in Legislation-making process; and
- f. additional techniques in drafting an Academic Draft attached in Annex I to this Law.

In general this Law contains subject matters that are arranged systematically as follows: principles of Legislation making; types, hierarchy, and material contents of Legislation; planning of Legislation; preparation of Legislation; techniques in legal drafting; discussion and endorsement of draft Laws; discussion and issuance of draft Provincial Regulations and Regent/Municipal Regulations; promulgation; dissemination; public participation in Legislation-making process, and miscellaneous provisions concerning the creation of Presidential Decisions and Decisions of other State institutions or government institutions.

The stages of planning, preparation, discussion, endorsement and enactment or issuance as well as promulgation are basically the steps that must be taken in the Legislation-making process. However, the stages are adapted to the needs or conditions and the type and hierarchy of certain Legislation for which the preparation is not governed by this Law, for example the discussion of a draft Government Regulation, a draft Presidential Regulation, or the discussion of the Draft Legislation are referred to in Article 8 section (1).

Beside the addition of new matters, improvement is also made on the technique in Legislation drafting and its illustrations, as attached in Annex II. The improved technique of Legislation drafting is intended to provide better and clearer guidelines with illustrations in drafting Legislation, including the regional Legislation.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

The positioning of the Pancasila as the ultimate source of all sources of State laws is in accordance with the Preamble of the 1945 Constitution of the Republic of Indonesia paragraph four, “Belief in the One and Only God, Just and Civilized Humanity, Unity of Indonesia, Democracy Guided by the Wisdom of Deliberations amongst Representatives, and Social Justice for all the People of Indonesia”.

The positioning of the Pancasila as the state foundation and ideology as well as the state philosophy means that the material content of Legislation must not contradict the underlying values of the Pancasila.

Article 3

Section (1)

The term “fundamental norm” means the base norm of Legislation Making as the source of laws for preparation of a Legislation whose rank is subordinate to the 1945 Constitution of the Republic of Indonesia.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 4

Sufficiently clear.

Article 5

Point a

The term "principle of clear purpose" means every Legislation making must have a clear purpose to achieve.

Point b

The term "principle of competent state institution or official" means every type of Legislation must originate from a competent State institution or official. Legislation may be invalidated or legally void if it is issued by an incompetent State institution or official.

Point c

The term "principle of conformity between type, hierarchy and material content" means Legislation Making must observe the proper material contents in accordance with the type and hierarchy of Legislation.

Point d

The term "principle of enforceability" means that the Legislation making must take into account the effectiveness of such Legislation in the society viewed from the philosophical, sociological, and juridical aspects.

Point e

The term "principle of efficiency and effectiveness" means that Legislation is made because it is needed and useful to regulate the social, national, and State life.

Point f

The term "principle of clear formulation" means that Legislation must meet the technical requirements in its preparation, systematics, choice of words or phrases, and clear and simple legal language so that it does not create different interpretations in its implementation.

Point g

The term "principle of transparency" means that the Legislation-making process during the stages of planning, preparation, discussion, endorsement or enactment or issuance, and promulgation must be transparent and open, wherein all people have the widest opportunity to provide their input.

Article 6

Section (1)

Point a

The term "principle of protection" means that the Material Content of Legislation must serve a protective function to create public order.

Point b

The term "principle of humanity" means that the Material Content of Legislation must proportionally reflect the protection of and respect for human rights and dignity of all Indonesian nationals and citizens.

Point c

The term "principle of nationality" means that the Material Content of Legislation must reflect the diversity of characters and nature of the Indonesian people by maintaining the integrity of the Unitary State of the Republic of Indonesia.

Point d

The term "principle of brotherhood" means that the Material Content of Legislation must reflect the consensus and deliberation in making a decision.

Point e

The term "principle of archipelagic nationhood" means that the Material Content of Legislation must observe the interests of the entire Indonesian territories, and the Material Contents of regional Legislation constitute part of the national legal system under the Pancasila and the 1945 Constitution of the Republic of Indonesia.

Point f

The term "principle of unity in diversity" means that the Material Content of Legislation must observe the diversity of population, religions, tribes, and groups, regional specific conditions and culture in the social, national, and State life.

Point g

The term "principle of justice" means that the Material Content of Legislation must reflect the proportional justice for every citizen.

Point h

The term "principle of equality before the law and in the government" means that the Material Content of Legislation must not contain discriminatory matters on the basis of, inter alia, religion, tribes, race, group, gender, or social status.

Point i

The term "principle of legal order and certainty" means that the Material Content of Legislation must be able to create order in the society through legal certainty.

Point j

The term "principle of balance, orderliness, and harmony" means that the Material Content of Legislation must reflect the balance, orderliness, and harmony between the individual interests, the public interests and the national interests as well as the state interests.

Section (2)

The term "other principles specific to the legal field of relevant Legislation" means, among others:

- a. in Criminal Law, for example, the principles of legality, no punishment without omission, the treatment of inmates, and the presumption of innocence;
- b. in Civil Law, for example, in contract law, among others, the principles of mutual consent, the freedom of contract, and the good faith.

Article 7

Section (1)

Point a

Sufficiently clear.

Point b

The term "the People's Consultative Assembly Decision" means the Interim People's Consultative Assembly Decisions and the People's Consultative Assembly Decisions which are still in force as referred to in Article 2 and Article 4 of the People's Consultative Assembly Decision Number: I/MPR/2003 on Review of Contents and Legal Status of the

Interim People's Consultative Assembly Decisions and the People's Consultative Assembly Decisions from 1960 to 2002, dated 7 August 2003.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Provincial Regulation also includes Qanun in the Province of Aceh and Special Regional Regulation (*Peraturan Daerah Khusus, Perdatus*) and Provincial Regional Regulations (*Peraturan Daerah Provinsi, Perdasi*) in the provinces of Papua and West Papua.

Point g

The Regency/Municipal Regulation also includes Qanun applicable in the Regencies/Municipalities in the Province of Aceh.

Section (2)

In this provision, the term "hierarchy" means the grading of each type of Legislation based on the principle that subordinate Legislation must not contradict superior Legislation.

Article 8

Section (1)

The term "Ministerial Regulation" means a regulation issued by the minister containing material content related to administration of certain government affairs.

Section (2)

The term "by virtue of authority" means the administration of certain government affairs is in accordance with the prevailing Legislation.

Article 9

Sufficiently clear.

Article 10

Section (1)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

The term "certain treaties" means any treaty that causes serious and deep impacts on the people's life in relation to the state financial burden, and/or such treaty requires the amendment to or creation of Law with the DPR's approval.

Point d

The term "follow-up on Constitutional Court's judgement" means its judgement on review of Law against the 1945 Constitution of the Republic of Indonesia.

The material contents regulated relates to a section, an article and/or a part of a Law that has been expressly declared by the Constitutional Court's judgement as contradictory to the 1945 Constitution of the Republic of Indonesia.

Point e

Sufficiently clear.

Section (2)

The purpose of the follow-up of Constitutional Court's judgement is to prevent a legal vacuum.

Article 11

Sufficiently clear.

Article 12

The term "to implement the Law accordingly" means the Government Regulation is issued to carry out the order of Law or to implement the Law as may be necessary to the extent that it does not deviate from the contents of such Law.

Article 13

Presidential Regulation is issued to provide further regulation concerning the order of a Law or a Government Regulation, whether or not the issuance of such regulation is explicitly mandated.

Article 14

Sufficiently clear.

Article 15

Sufficiently clear.

Article 16

Sufficiently clear.

Article 17

The term "national legal system" means a framework of legal system in Indonesia wherein all elements support one another to anticipate and address issues arising in the social, national, and State life under Pancasila and the 1945 Constitution of the Republic of Indonesia.

Article 18

Point a

Sufficiently clear.

Point b

The term "order of the People's Consultative Assembly Decision" means the Interim People's Consultative Assembly Decision and the the People's Consultative Assembly Decision which are still in force as referred to in Article 2 and Article 4 of Decision of the People's Consultative Assembly of the Republic of Indonesia Number: I/MPR/2003 on Review of the Substance and Legal Status of the Interim People's Consultative Assembly Decisions and the People's Consultative Assembly Decisions from 1960 to 2002, dated 7 August 2003.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Point h

Sufficiently clear.

Article 19

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term "review and synchronization" means the process to examine the relation of the regulated contents to the contents of other vertical or horizontal Legislation to prevent the overlapping of regulation and authority.

Article 20

Sufficiently clear.

Article 21

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

The term "minister administering government affairs in legal field" means the Minister of Law and Human Rights.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Article 22

Sufficiently clear.

Article 23

Section (1)

Point a

The term "certain treaties" means treaties having considerable and substantial impact on people's lives in relation to the State finance burden, and/or a treaties that require the amendment to or creation of Law with the DPR's approval.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 24

Sufficiently clear.

Article 25

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Sufficiently clear.

Article 28

Sufficiently clear.

Article 29

Sufficiently clear.

Article 30

Sufficiently clear.

Article 31

Sufficiently clear.

Article 32

This provision is intended to ensure the products of Provincial Regulation remain integrated with the national legal system.

Article 33

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term "review and synchronization" means the process to examine the relation of the regulated contents to the contents of other vertical or horizontal Legislation to prevent the overlapping of regulation and authority

Article 34

Sufficiently clear.

Article 35

Sufficiently clear.

Article 36

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term "related vertical government institutions" refers to, among others, the vertical institutions of the ministry administering government affairs in legal field.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 37

Sufficiently clear.

Article 38

Sufficiently clear.

Article 39

Sufficiently clear.

Article 40

Sufficiently clear.

Article 41

Sufficiently clear.

Article 42

Sufficiently clear.

Article 43

Sufficiently clear.

Article 44

Sufficiently clear.

Article 45

Sufficiently clear.

Article 46

Sufficiently clear.

Article 47

Sufficiently clear.

Article 48

Sufficiently clear.

Article 49

Section (1)

Sufficiently clear.

Section (2)

The assignment of the minister is accompanied by the submission of Inventory List of Issues (*Daftar Inventarisasi Masalah*, DIM) that has been prepared within the said 60 (sixty) days.

Section (3)

Sufficiently clear.

Article 50

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Within 60 (sixty) days the DPR must have completed the preparation of the Inventory List of Issues.

Section (4)

Sufficiently clear.

Article 51

Sufficiently clear.

Article 52

Section (1)

The term "subsequent sitting period" means the DPR first sitting session period following the enactment of the Government Regulation in Lieu of Law.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Section (7)

Sufficiently clear.

Section (8)

Sufficiently clear.

Article 53

Sufficiently clear.

Article 54

Sufficiently clear.

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Sufficiently clear.

Article 56

Sufficiently clear.

Article 57

Sufficiently clear.

Article 58

Sufficiently clear.

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Sufficiently clear.

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Sufficiently clear.

Article 61

Sufficiently clear.

Article 62

Sufficiently clear.

Article 63

Sufficiently clear.

Article 64

Sufficiently clear.

Article 65

Sufficiently clear.

Article 66

Sufficiently clear.

Article 67

Sufficiently clear.

Article 68

Sufficiently clear.

Article 69

Sufficiently clear.

Article 70

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

This provision is intended to simplify the mechanism for withdrawal of Draft Law.

Article 71

Sufficiently clear.

Article 72

Section (1)

Sufficiently clear.

Section (2)

The period of 7 (seven) days is considered sufficient for technical work relating to processing the draft Law into official Presidential Document, the signing of Law by the President as well as the signing and the promulgation in the State Gazette of the Republic of Indonesia by the minister administering government affairs in legal field.

Article 73

Sufficiently clear.

Article 74

Sufficiently clear.

Article 75

Section (1)

The Governor may appoint a representative for the discussion of the Draft Provincial Regulation in the Provincial DPRD, except for the submission and the adoption of resolutions.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 76

Sufficiently clear.

Article 77

Sufficiently clear.

Article 78

Sufficiently clear.

Article 79

Sufficiently clear.

Article 80

Sufficiently clear.

Article 81

Upon promulgation of Legislation in the official Gazette, every person is assumed to have known the Legislation.

Article 82

Sufficiently clear.

Article 83

Sufficiently clear.

Article 84

Sufficiently clear.

Article 85

Sufficiently clear.

Article 86

Sufficiently clear.

Article 87

The date of the coming into force of Legislation may differ from the date of its promulgation in order to prepare the necessary means and facilities as well as the preparedness of the Legislation enforcers.

Article 88

Section (1)

The term "dissemination" means the activity of providing information to the public on the Prolegnas, Draft Law which is

under preparation, under discussion, and has been promulgated in order that the public may provide input or response or understand the promulgated Law. The dissemination of Legislation may be done, for example, through electronic media and/or print media.

Section (2)

Sufficiently clear.

Article 89

Sufficiently clear.

Article 90

Sufficiently clear.

Article 91

Sufficiently clear.

Article 92

Section (1)

The term "dissemination" means the activity of providing information to the public on the Prolegda, the Draft Provincial Regulation or the draft Regency/Municipal Regulation which is under preparation, under discussion, and has been promulgated in order that the public may provide input or response or understand the promulgated Provincial Regulation or the Regency/Municipal Regulation. The dissemination of Legislation is done, for example, through electronic media and/or print media.

Section (2)

Sufficiently clear.

Article 93

Sufficiently clear.

Article 94

Sufficiently clear.

Article 95

Sufficiently clear.

Article 96

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term “interest groups” refers to, among others, community groups/organizations, professional groups, non-governmental organizations, and indigenous communities.

Section (4)

Sufficiently clear.

Article 97

Sufficiently clear.

Article 98

Section (1)

The term "legislative drafters" means civil servants assigned to the tasks, responsibilities, authority, and rights to draft Legislation and/or other legal instruments in accordance with the prevailing Legislation.

Section (2)

Sufficiently clear.

Article 99

Sufficiently clear.

Article 100

Sufficiently clear.

Article 101

Sufficiently clear.

Article 102

Sufficiently clear.

Article 103

Sufficiently clear.

Article 104

Sufficiently clear.

SUPPLEMENT TO STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF
2011 NUMBER 5234

ELUCIDATION
OF
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 12 OF 2011
ON
LEGISLATION MAKING

I. GENERAL

The Law on Legislation Making is the implementation of Article 22A of the 1945 Constitution of the Republic of Indonesia, which states that "Further provisions on the procedure for law making are regulated by law". The scope of the content of this Law is broadened to cover not only laws but also other types of Legislation, excluding the 1945 Constitution of the Republic of Indonesia and the Decision of the People's Consultative Assembly.

The Law on Legislation Making is made based on the premise that Indonesia is a law-based State. As a law-based State, all aspects of the social, national, and state life, including governance, must be based on law in line with the national legal system. The national legal system is the law applicable in Indonesia wherein all elements support one another to anticipate and address any matter arising in the social, national, and state life under Pancasila and the 1945 Constitution of the Republic of Indonesia.

This Law updates Law Number 10 of 2004, among others, for the following reasons:

- a. some of the provisions of Law Number 10 of 2004 were found confusing or open to interpretation that could lead to legal uncertainty;
- b. inconsistent formulations drafting;

- c. addition of new matters to respond to legal developments or needs in Legislation Making; and
- d. systematic description of the subject matters of each chapter.

As improvement to the previous Law, new matters are added to this Law, among others:

- a. the Decision of People's Consultative Assembly is added as a type of Legislation and its hierarchical order is placed after the 1945 Constitution 1945 of the Republic of Indonesia;
- b. the scope of the planning of Legislation extends not only to the Prolegnas and to the Prolegda but also to the planning of Government Regulations, Presidential Regulations, and other types of Legislation;
- c. the mechanism of discussion of draft Law on Repeal of Government Regulation in Lieu of Law;
- d. Academic Draft is a prerequisite for preparation of draft Laws, draft Provincial Regulations, and draft Regent/Municipal Regulations;
- e. the involvement of legislative drafters, researchers, and experts in Legislation-making process; and
- f. additional techniques in drafting an Academic Draft attached in Annex I to this Law.

In general this Law contains subject matters that are arranged systematically as follows: principles of Legislation making; types, hierarchy, and material contents of Legislation; planning of Legislation; preparation of Legislation; techniques in legal drafting; discussion and endorsement of draft Laws; discussion and issuance of draft Provincial Regulations and Regent/Municipal Regulations; promulgation; dissemination; public participation in Legislation-making process, and miscellaneous provisions concerning the creation of Presidential Decisions and Decisions of other State institutions or government institutions.

The stages of planning, preparation, discussion, endorsement and enactment or issuance as well as promulgation are basically the steps that must be taken in the Legislation-making process. However, the stages are adapted to the needs or conditions and the type and hierarchy of certain Legislation for which the preparation is not governed by this Law, for example the discussion of a draft Government Regulation, a draft Presidential Regulation, or the discussion of the Draft Legislation are referred to in Article 8 section (1).

Beside the addition of new matters, improvement is also made on the technique in Legislation drafting and its illustrations, as attached in Annex II. The improved technique of Legislation drafting is intended to provide better and clearer guidelines with illustrations in drafting Legislation, including the regional Legislation.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

The positioning of the Pancasila as the ultimate source of all sources of State laws is in accordance with the Preamble of the 1945 Constitution of the Republic of Indonesia paragraph four, “Belief in the One and Only God, Just and Civilized Humanity, Unity of Indonesia, Democracy Guided by the Wisdom of Deliberations amongst Representatives, and Social Justice for all the People of Indonesia”.

The positioning of the Pancasila as the state foundation and ideology as well as the state philosophy means that the material content of Legislation must not contradict the underlying values of the Pancasila.

Article 3

Section (1)

The term “fundamental norm” means the base norm of Legislation Making as the source of laws for preparation of a Legislation whose rank is subordinate to the 1945 Constitution of the Republic of Indonesia.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 4

Sufficiently clear.

Article 5

Point a

The term "principle of clear purpose" means every Legislation making must have a clear purpose to achieve.

Point b

The term "principle of competent state institution or official" means every type of Legislation must originate from a competent State institution or official. Legislation may be invalidated or legally void if it is issued by an incompetent State institution or official.

Point c

The term "principle of conformity between type, hierarchy and material content" means Legislation Making must observe the proper material contents in accordance with the type and hierarchy of Legislation.

Point d

The term "principle of enforceability" means that the Legislation making must take into account the effectiveness of such Legislation in the society viewed from the philosophical, sociological, and juridical aspects.

Point e

The term "principle of efficiency and effectiveness" means that Legislation is made because it is needed and useful to regulate the social, national, and State life.

Point f

The term "principle of clear formulation" means that Legislation must meet the technical requirements in its preparation, systematics, choice of words or phrases, and clear and simple legal language so that it does not create different interpretations in its implementation.

Point g

The term "principle of transparency" means that the Legislation-making process during the stages of planning, preparation, discussion, endorsement or enactment or issuance, and promulgation must be transparent and open, wherein all people have the widest opportunity to provide their input.

Article 6

Section (1)

Point a

The term "principle of protection" means that the Material Content of Legislation must serve a protective function to create public order.

Point b

The term "principle of humanity" means that the Material Content of Legislation must proportionally reflect the protection of and respect for human rights and dignity of all Indonesian nationals and citizens.

Point c

The term "principle of nationality" means that the Material Content of Legislation must reflect the diversity of characters and nature of the Indonesian people by maintaining the integrity of the Unitary State of the Republic of Indonesia.

Point d

The term "principle of brotherhood" means that the Material Content of Legislation must reflect the consensus and deliberation in making a decision.

Point e

The term "principle of archipelagic nationhood" means that the Material Content of Legislation must observe the interests of the entire Indonesian territories, and the Material Contents of regional Legislation constitute part of the national legal system under the Pancasila and the 1945 Constitution of the Republic of Indonesia.

Point f

The term "principle of unity in diversity" means that the Material Content of Legislation must observe the diversity of population, religions, tribes, and groups, regional specific conditions and culture in the social, national, and State life.

Point g

The term "principle of justice" means that the Material Content of Legislation must reflect the proportional justice for every citizen.

Point h

The term "principle of equality before the law and in the government" means that the Material Content of Legislation must not contain discriminatory matters on the basis of, inter alia, religion, tribes, race, group, gender, or social status.

Point i

The term "principle of legal order and certainty" means that the Material Content of Legislation must be able to create order in the society through legal certainty.

Point j

The term "principle of balance, orderliness, and harmony" means that the Material Content of Legislation must reflect the balance, orderliness, and harmony between the individual interests, the public interests and the national interests as well as the state interests.

Section (2)

The term "other principles specific to the legal field of relevant Legislation" means, among others:

- a. in Criminal Law, for example, the principles of legality, no punishment without omission, the treatment of inmates, and the presumption of innocence;
- b. in Civil Law, for example, in contract law, among others, the principles of mutual consent, the freedom of contract, and the good faith.

Article 7

Section (1)

Point a

Sufficiently clear.

Point b

The term "the People's Consultative Assembly Decision" means the Interim People's Consultative Assembly Decisions and the People's Consultative Assembly Decisions which are still in force as referred to in Article 2 and Article 4 of the People's Consultative Assembly Decision Number: I/MPR/2003 on Review of Contents and Legal Status of the

Interim People's Consultative Assembly Decisions and the People's Consultative Assembly Decisions from 1960 to 2002, dated 7 August 2003.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Provincial Regulation also includes Qanun in the Province of Aceh and Special Regional Regulation (*Peraturan Daerah Khusus, Perdatus*) and Provincial Regional Regulations (*Peraturan Daerah Provinsi, Perdasi*) in the provinces of Papua and West Papua.

Point g

The Regency/Municipal Regulation also includes Qanun applicable in the Regencies/Municipalities in the Province of Aceh.

Section (2)

In this provision, the term "hierarchy" means the grading of each type of Legislation based on the principle that subordinate Legislation must not contradict superior Legislation.

Article 8

Section (1)

The term "Ministerial Regulation" means a regulation issued by the minister containing material content related to administration of certain government affairs.

Section (2)

The term "by virtue of authority" means the administration of certain government affairs is in accordance with the prevailing Legislation.

Article 9

Sufficiently clear.

Article 10

Section (1)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

The term "certain treaties" means any treaty that causes serious and deep impacts on the people's life in relation to the state financial burden, and/or such treaty requires the amendment to or creation of Law with the DPR's approval.

Point d

The term "follow-up on Constitutional Court's judgement" means its judgement on review of Law against the 1945 Constitution of the Republic of Indonesia.

The material contents regulated relates to a section, an article and/or a part of a Law that has been expressly declared by the Constitutional Court's judgement as contradictory to the 1945 Constitution of the Republic of Indonesia.

Point e

Sufficiently clear.

Section (2)

The purpose of the follow-up of Constitutional Court's judgement is to prevent a legal vacuum.

Article 11

Sufficiently clear.

Article 12

The term "to implement the Law accordingly" means the Government Regulation is issued to carry out the order of Law or to implement the Law as may be necessary to the extent that it does not deviate from the contents of such Law.

Article 13

Presidential Regulation is issued to provide further regulation concerning the order of a Law or a Government Regulation, whether or not the issuance of such regulation is explicitly mandated.

Article 14

Sufficiently clear.

Article 15

Sufficiently clear.

Article 16

Sufficiently clear.

Article 17

The term "national legal system" means a framework of legal system in Indonesia wherein all elements support one another to anticipate and address issues arising in the social, national, and State life under Pancasila and the 1945 Constitution of the Republic of Indonesia.

Article 18

Point a

Sufficiently clear.

Point b

The term "order of the People's Consultative Assembly Decision" means the Interim People's Consultative Assembly Decision and the the People's Consultative Assembly Decision which are still in force as referred to in Article 2 and Article 4 of Decision of the People's Consultative Assembly of the Republic of Indonesia Number: I/MPR/2003 on Review of the Substance and Legal Status of the Interim People's Consultative Assembly Decisions and the People's Consultative Assembly Decisions from 1960 to 2002, dated 7 August 2003.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Point h

Sufficiently clear.

Article 19

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term "review and synchronization" means the process to examine the relation of the regulated contents to the contents of other vertical or horizontal Legislation to prevent the overlapping of regulation and authority.

Article 20

Sufficiently clear.

Article 21

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

The term "minister administering government affairs in legal field" means the Minister of Law and Human Rights.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Article 22

Sufficiently clear.

Article 23

Section (1)

Point a

The term "certain treaties" means treaties having considerable and substantial impact on people's lives in relation to the State finance burden, and/or a treaties that require the amendment to or creation of Law with the DPR's approval.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 24

Sufficiently clear.

Article 25

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Sufficiently clear.

Article 28

Sufficiently clear.

Article 29

Sufficiently clear.

Article 30

Sufficiently clear.

Article 31

Sufficiently clear.

Article 32

This provision is intended to ensure the products of Provincial Regulation remain integrated with the national legal system.

Article 33

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term "review and synchronization" means the process to examine the relation of the regulated contents to the contents of other vertical or horizontal Legislation to prevent the overlapping of regulation and authority

Article 34

Sufficiently clear.

Article 35

Sufficiently clear.

Article 36

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term "related vertical government institutions" refers to, among others, the vertical institutions of the ministry administering government affairs in legal field.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 37

Sufficiently clear.

Article 38

Sufficiently clear.

Article 39

Sufficiently clear.

Article 40

Sufficiently clear.

Article 41

Sufficiently clear.

Article 42

Sufficiently clear.

Article 43

Sufficiently clear.

Article 44

Sufficiently clear.

Article 45

Sufficiently clear.

Article 46

Sufficiently clear.

Article 47

Sufficiently clear.

Article 48

Sufficiently clear.

Article 49

Section (1)

Sufficiently clear.

Section (2)

The assignment of the minister is accompanied by the submission of Inventory List of Issues (*Daftar Inventarisasi Masalah*, DIM) that has been prepared within the said 60 (sixty) days.

Section (3)

Sufficiently clear.

Article 50

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Within 60 (sixty) days the DPR must have completed the preparation of the Inventory List of Issues.

Section (4)

Sufficiently clear.

Article 51

Sufficiently clear.

Article 52

Section (1)

The term "subsequent sitting period" means the DPR first sitting session period following the enactment of the Government Regulation in Lieu of Law.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Section (7)

Sufficiently clear.

Section (8)

Sufficiently clear.

Article 53

Sufficiently clear.

Article 54

Sufficiently clear.

Article 55

Sufficiently clear.

Article 56

Sufficiently clear.

Article 57

Sufficiently clear.

Article 58

Sufficiently clear.

Article 59

Sufficiently clear.

Article 60

Sufficiently clear.

Article 61

Sufficiently clear.

Article 62

Sufficiently clear.

Article 63

Sufficiently clear.

Article 64

Sufficiently clear.

Article 65

Sufficiently clear.

Article 66

Sufficiently clear.

Article 67

Sufficiently clear.

Article 68

Sufficiently clear.

Article 69

Sufficiently clear.

Article 70

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

This provision is intended to simplify the mechanism for withdrawal of Draft Law.

Article 71

Sufficiently clear.

Article 72

Section (1)

Sufficiently clear.

Section (2)

The period of 7 (seven) days is considered sufficient for technical work relating to processing the draft Law into official Presidential Document, the signing of Law by the President as well as the signing and the promulgation in the State Gazette of the Republic of Indonesia by the minister administering government affairs in legal field.

Article 73

Sufficiently clear.

Article 74

Sufficiently clear.

Article 75

Section (1)

The Governor may appoint a representative for the discussion of the Draft Provincial Regulation in the Provincial DPRD, except for the submission and the adoption of resolutions.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 76

Sufficiently clear.

Article 77

Sufficiently clear.

Article 78

Sufficiently clear.

Article 79

Sufficiently clear.

Article 80

Sufficiently clear.

Article 81

Upon promulgation of Legislation in the official Gazette, every person is assumed to have known the Legislation.

Article 82

Sufficiently clear.

Article 83

Sufficiently clear.

Article 84

Sufficiently clear.

Article 85

Sufficiently clear.

Article 86

Sufficiently clear.

Article 87

The date of the coming into force of Legislation may differ from the date of its promulgation in order to prepare the necessary means and facilities as well as the preparedness of the Legislation enforcers.

Article 88

Section (1)

The term "dissemination" means the activity of providing information to the public on the Prolegnas, Draft Law which is

under preparation, under discussion, and has been promulgated in order that the public may provide input or response or understand the promulgated Law. The dissemination of Legislation may be done, for example, through electronic media and/or print media.

Section (2)

Sufficiently clear.

Article 89

Sufficiently clear.

Article 90

Sufficiently clear.

Article 91

Sufficiently clear.

Article 92

Section (1)

The term "dissemination" means the activity of providing information to the public on the Prolegda, the Draft Provincial Regulation or the draft Regency/Municipal Regulation which is under preparation, under discussion, and has been promulgated in order that the public may provide input or response or understand the promulgated Provincial Regulation or the Regency/Municipal Regulation. The dissemination of Legislation is done, for example, through electronic media and/or print media.

Section (2)

Sufficiently clear.

Article 93

Sufficiently clear.

Article 94

Sufficiently clear.

Article 95

Sufficiently clear.

Article 96

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term “interest groups” refers to, among others, community groups/organizations, professional groups, non-governmental organizations, and indigenous communities.

Section (4)

Sufficiently clear.

Article 97

Sufficiently clear.

Article 98

Section (1)

The term "legislative drafters" means civil servants assigned to the tasks, responsibilities, authority, and rights to draft Legislation and/or other legal instruments in accordance with the prevailing Legislation.

Section (2)

Sufficiently clear.

Article 99

Sufficiently clear.

Article 100

Sufficiently clear.

Article 101

Sufficiently clear.

Article 102

Sufficiently clear.

Article 103

Sufficiently clear.

Article 104

Sufficiently clear.

SUPPLEMENT TO STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF
2011 NUMBER 5234