UNOFFICIAL TRANSLATION

THE PEOPLE’S REPRESENTATIVE COUNCIL
OF THE REPUBLIC OF INDONESIA

LAW OF THE REPUBLIC OF INDONESIA
NUMBER 2 OF 1999
ON
POLITICAL PARTIES

WITH MERCY OF GOD THE ALMIGHTY
THE PRESIDENT OF REPUBLIC OF INDONESIA

Considering:

a) That the freedom to unite, assemble, and express thoughts as recognized and secured by the Constitution 1945 is part of the human rights;
b) That the efforts to increase and strengthen the freedom to unite, assemble, and express thoughts are part of the efforts to realize a strong national life within the free, united, sovereign, democratic, and based on the law Integrated State of the Republic of Indonesia.
c) That political parties are instruments which have a very important meaning, function, and role as realization of the freedom to unite, assemble, and express thought in developing the democratic life which highly respects of the Republic of Indonesia.
d) That law number 3 of 1975 on Political Parties and the Functional Group as amended by Law Number 3 of 1985 on Political Parties and the Functional Group has been unable to accommodate the developed political aspiration resulting in the slow-paced democratic life in Indonesia.
e) That with regard to the above mentioned matters and to provide a better legal base to the growth of political parties, which may measure more the role of the people of Indonesia in the nation and state life based on the Five Basic Principles and the 1945 Constitution, it is necessary to substitute Law Number 3 of 1975 on Political Parties and the Functional Group as amended by Law Number 3 of 1985 on Amendment of Law Number 3 of 1975 on Political Parties and the Functional Group, with a new Political Parties Law.

In view of: Article 5 paragraph (1), Article 20 paragraph (1), Article 27 paragraph (1) and Article (28) of the Constitution 1945.

With the approval of
The People’s Representative Council of the Republic of Indonesia

HAS DECIDED

To enact: LAW ON POLITICAL PARTIES
CHAPTER I
GENERAL PROVISIONS

Article 1

(1) A political party is defined as an organization established voluntarily by citizens of the Republic of Indonesia based on equal cause, that is, to fight for the interest of its members, of the people and of the country through a general election.
(2) Sovereignty of the political parties is in the hands of its members.
(3) Each political party has equal and the same degree of status, function, right and obligation.
(4) The political party is autonomous in organizing its internal affairs.
CHAPTER II
ESTABLISHMENT REQUIREMENTS

Article 2
(1) A group of more than 50 (fifty) citizens of the Republic Indonesia, aged 21 (twenty-one) years old is allowed to establish a political party.

(2) The political party established in paragraph (1) should conform with the following requirements:
   a. Incorporates Pancasila, the Five Basic Principles, as the state principle of the integrated State of the Republic of Indonesia in the articles of associations of the party.
   b. The principles or characteristics, platform and program of the Political Party are not contradicting the Five Basic Principles.
   c. The membership of the Political Party is open to every citizen of the Republic of Indonesia who has the voting rights.
   d. The Political party may not use the name or symbol similar to the symbol of a foreign country, the flag of the integrated State of the Republic of Indonesia, the Red and White, the flag of a foreign country, individual picture, the name and symbol of another existing party.

Article 3
Establishment of the political party must not endanger the national unity or integrity.

Article 4
(1) The Political Party is established with a notary public deed and registered in at the Department of Justice of the Republic of Indonesia.

(2) The Department of Justice of the Republic of Indonesia would only accept establishment registration of a political party on condition that requirements pursuant to Articles 2 and 3 of this law have been complied with.

(3) The legalization of the establishment of the Political Party as a legal entity is promulgated in the State Gazette of the Republic of Indonesia.

CHAPTER III
OBJECTIVES

Article 5
(1) The general objectives of political parties are
   a. to realize the national aspiration of the People of Indonesia as stated in the preamble of Constitution 1945;
   b. to develop the democratic life based on the Five Principles by highly respecting the people’s sovereignty within the integrated State of the Republic of Indonesia.

(2) The special objective of a political party is to strive for the aspiration of its members in the community, nation, and state life.

Article 6
Each political party is required to set up the general and special objectives, as indicated in Article 5 of this law in its articles of association.
CHAPTER IV
FUNCTION, RIGHT AND OBLIGATION

Article 7

(1) The political party functions to:
   a. implement political education by encouraging and developing awareness on the political right and obligation of the people in the nation and state life.
   b. absorb, channel and struggle for the interest of the community in the preparation of state policies through the mechanism of the people's representative bodies.
   c. prepare community members to fill in political functions in accordance with the democracy mechanism.

(2) As a democratic institution the political party is a vehicle to express support and demand in the political process.

Article 8

The political party has the right to:

a) Participate in the general election in accordance with the law on General Election.

Article 9

A political party is required

a) To embrace and practice the Five Basic Principles and the Constitution 1945.

b) To sustain the integrity of the Integrated State of the Republic of Indonesia.

c) To maintain the unity and integrity of the nations.

d) To succeed the national development

e) To support the implementation of the general election in a democratic, fair and just way, by giving and collecting votes directly, generally, freely and confidentially.

CHAPTER V.
MEMBERSHIP AND LEADERSHIP

Article 10

(1) Members of the political party are citizens of the Republic of Indonesia with the following criteria:
   a) 17 (seventeen) years old or married/having been married.
   b) Able to read and write
   c) Comply with the provisions specified in the political party

(2) The political party registers and keeps the register of members.

Article 11

The political party may establish its organizational board at:

a) The state capital of the republic of Indonesia for the National Board.

b) The provincial capital for Provincial Board.
c) The regency/municipality capital for the Regency/Municipality Board.

d) The district (kecamatan) capital for the district Board.

e) The sub district (kelurahan)/villages center the village/kelurahan level board.

CHAPTER VI
FINANCE

Article 12

(1) Finances of the political party is collected from;
   a) contribution of members
   b) donations
   c) other legal undertakings.

(2) The Political party receives annual assistance from the state budget, which is specified based on the total votes collected in the previous general election.

(3) The specification on the annual assistance referred to in paragraph (2) is provided in a government regulation.

(4) The political party is restricted from receiving donations and assistance from foreign organizations.

Article 13

(1) The political party is non-profit oriented organization.

(2) To be consistent with in paragraph (1), a political party is prohibited from establishing a corporation and/or owning shares in a corporation.

Article 14

(1) The maximum total donation from each person receivable by the political party is Rp 15.000.000 (fifteen million rupiah) within the period of one year.

(2) The maximum total donation from a business company and other organizations receivable by a political party is Rp 150.000.000 (one hundred and fifty million rupiah)

(3) Donation in the form of articles is assessed according to the current market values and is treated similarly as the monetary donation.

(4) The political party keeps the register of donors and the amount of donations, which is subject to auditing by a public accountant.

Article 15

(1) The political party is required to report the list as referred to in Article 14 paragraph (4) including its financial report at each end of the year and each 15 (fifteen) days prior to and 30 (thirty) days after the general election to the Supreme Court of the Republic of Indonesia.

(2) The report as referred to in paragraph (1) may at any time be audited by the public accountant appointed by the Supreme Court of the Republic of Indonesia.
The political party is not allowed to:

a) Follow, develop, disseminate doctrines or concepts of Communism/Marxism/Leninism and other tenets contradicting the Five Basic Principles.
b) Receive donations and/or assistance in any form from foreign organizations, either directly or indirectly.
c) Provide donations and/or assistance in any form to foreign organizations, either directly or indirectly, which may harm the interests of the nation and the state.
d) Undertake activities which are contradicting the policies of the government of the Republic of Indonesia in maintaining friendship with other countries.

Article 17

(1) The Supreme Court of the Republic of Indonesia ensures that provisions contained in this Law is implemented.
(2) With its authority, the Supreme Court of the Republic of Indonesia may freeze or dissolve a Political Party in the event that it obviously breaks Articles 2, 3, 5, 9, and 16 of this Law.
(3) The measures referred to in paragraph (2) is conducted by first listening to and considering explanations from the Political Party’s National Board and after undergoing judicial process.
(4) The freezing or dissolving of a Political Party is conducted upon the court's verdict obtaining permanent legal power, and promulgated in the State Gazette of the Republic of Indonesia by the Minister of Justice of the Republic of Indonesia.

Article 18

(1) The Supreme Court of the Republic of Indonesia may impose an administrative sanction in the form of discontinuing the assistance taken from the state budget if a political party obviously breaks Article 15 of this Law.
(2) The Supreme Court of the Republic of Indonesia may revoke the right of a Political Party to participate in the general election if it obviously breaks Articles 13 and 14 of this Law.
(3) The revocation of right referred to in paragraph (2) is conducted by first listening to the consideration from the Political Party National Board and after undergoing a judicial process.

Article 19

(1) Anyone who deliberately provides donations to the Political Party exceeding the amount provisioned in Article 14 paragraphs (1) and (2) of this Law is subject to imprisonment of maximum 30 (thirty) days or penalty of maximum Rp.100.000.000,00 (one hundred million rupiah).
(2) Anyone who deliberately provides money or articles to another person with the intent that said person donates it to the political Party exceeding the amount provisioned in Article 14 paragraphs (1) and (2) of this Law is subject to imprisonment of maximum 30 (thirty) days or penalty of maximum Rp. 100.000.000,00 (one hundred million rupiah).
(3) Anyone who deliberately receives money or articles from someone to be donated to the Political Party with the intent that said person can donate beyond the amount regulated in Article 14 paragraphs (1) and (2) of this Law is subject to imprisonment of maximum 30 (thirty) days or penalty of maximum Rp. 100.000.000,00 (one hundred million rupiah).
(4) Anyone who deliberately coerces someone or an organization to provide donations to the political party in any form is subject to imprisonment of maximum Rp.100.000.000,00 (one hundred million rupiah).

CHAPTER VIII
TRANSITIONAL PROVISION

Article 20

As of the enactment of this law, the 1997 Election Competing Political Parties, namely the United Development Party, the Functional Group, and the Indonesian Democratic Party as social-political organization by virtue of Law Number 3 of 1975 on Political Parties and the Functional Group as amended with Law Number 3 of 1985 on the Amendment of Law Number 3 of 1975 on Political Parties and the Functional Group are considered to have complied with the requirements as regulated in Article 2 and Article 4 of this Law and are required to adjust themselves to the provisions of this Law.

CHAPTER IX
CLOSING PROVISIONS

Article 21

(1) As of the enactment of this Law, Law number 3 of 1975 on Political Parties and the Functional Group as amended by Law Number 3 of 1985 on the Amendment of Law Number 3 of 1975 on Political Parties and the Functional Group is declared ineffective.

(2) All provisions and regulations contradicting this Law are declared invalid.

Article 22

This law is effective as of the date of enactment.
To be publicly known, it is instructed to promulgate the law and publish it in the State Gazette of the Republic of Indonesia.

Ratified in Jakarta
On the date of 1 February 1999
PRESIDENT OF THE REPUBLIC OF INDONESIA
BACHARUDDIN JUSUF HABIBIE

Enacted in Jakarta
On the date of 1 February 1999
MINISTER/STATE SECRETARY OF
THE REPUBLIC OF INDONESIA
AKBAR TANJUNG

STATE GAZETTE THE REPUBLIC OF INDONESIA OF 1999 NUMBER 22
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PEOPLE’S REPRESENTATIVES COUNCIL
REPUBLIC OF INDONESIA

EXPLANATION PLAN ON
THE LAW OF THE REPUBLIC OF INDONESIA
NUMBER 2 OF 1999
ON POLITICAL PARTIES

GENERAL
The establishment of Political Parties is in principle one of the reflection of citizen rights to unite, assemble, and express opinions in accordance with Article 28 of the Constitution of 1945. The people may through these Political Parties realize their rights to express their opinions on the course of the nation and state life. The diversity of opinions within the community will create the desire to establish various Political Parties pursuant to the existing diversity of opinions. As such, in fact, the state is not restricting the number of Political Parties established by the people.

In this diversity of Political Parties, each Political Party has equal and same degree of status, function, right, and obligation. The sovereignty of the Political Party is autonomous in organizing its organizational household. As such, institutions outside the party are not allowed to interfere in the internal affairs of a Political Party.

In order to achieve a sound nation state life as aspiration of the state founders as defined in the preamble of the Constitution of 1945, each political party in the state life implements consistently the Five Basic Principles as the state foundation. There by domestic dynamics in Indonesia obtains of firm base.

As the main reference of the Political Party has been agreed, each political party may have its individual principle or characteristic, aspiration and program which are not contradicting the Five Basic Principles. The aspiration and program of the political party are the reflection of the principle or character in the efforts to solve problems of the Indonesian people. Said program is directed to realize the national aspiration of the people of Indonesia and develops the democratic life based on the Five basic Principles as general objective and struggle for the aspiration of its members as the special objective of the Political Party.

The nation and state life, which is the democratic aspiration based on the Five Basic Principles, can only be achieved if the differences that exist in the community are not made as reason to discriminate the membership of the Political Party. The principle of non-discrimination in the membership of the Political Party is intended that the democracy based on the Five Basic Principles may be dynamically realized, so that each political party is open to every citizen of the Republic of Indonesia. Thereby, the diversity of political parties are not dividing the nation but in fact becomes the binder of the nation’s unity and integrity.

As one of the democratic institutions, the political party functions to develop the awareness on the political right and obligation of the people, channels the interest of the community in preparing state policies, and guides and prepares community members to occupy political functions pursuant to the democratic mechanism. The Political Party is also one of the vehicles to express the support and demand in the political process. All these functions are realized through the General Election which is held democratically, fairly and justly by issuing and taking votes directly, generally, freely and confidentially, as mandated in TAP MPR Number XIV/MPR/1998 on the Amendment and supplement on TAP MPR Number II/MPR/1998 on General Election. Therefore, each political party has the right to participate in the General Election after complying with the participation requirements as regulated in the Law on General Election.
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The State should ensure that each citizen has equal opportunity to influence the state policy through the Political Party and the realization of the democracy principle, which is one person one vote. Considering that the establishment of the Political Party is a realization of the People's sovereignty, and the realization of economic power, the restriction of the Political Party financial resources is necessary to prevent the misuse of money for political interest (money politics). The openness of the political party on financial matters is an important information for the citizen to evaluate and decide its support to said Political Party.

Further on, in realization of the principle of the constitutional state, the Political Party is subject to the applicable legislative regulations. The control on the infraction of this law is undertaken by the Supreme Court of the Republic of Indonesia by virtue the authority in its possession, as the highest juridical institution, referring to the defined legal mechanism.

INTERPRETATION BY ARTICLES
Article 1
  Paragraph (1) Clear enough
  Paragraph (2) What is meant by the sovereignty is in hands of its members in this paragraph includes to dissolve as regulated in the Articles of Association and Rules of Association of the Party, excluded from the provision in Article 17 paragraph (2) of this law.
  Paragraph (3) Clear enough
  Paragraph (4) What is meant by autonomous in this paragraph is that in organizing its household the Political Party is free from the interference of parties outside the party, including the government.

Article 2
  Paragraph (1) Clear enough
  Paragraph (2) Letter a. What is meant by the Five Basic Principles in the Five Basic Principles which formulation is contained in the Preamble of the Constitution of 1945. The inclusion of the Five Basic Principles in the articles of association of the Political Party as meant in this paragraph (2) letter a, is contained in its articles of association to indicate the consistency of the Political Party on the implementation of the Five Basic Principles in the State life.
  Letter b. Clear enough
  Letter c. What is meant by open in this paragraph is that the membership of the political party is open for every citizen without differentiating the reference of region, religion, ethnic, race, sex and other differentiation.
  Letter d. Clear enough.

Article 3
  What is meant by endanger the national unity and integrity in this article is the establishment of the Political Party based on separatism objectives and all actions which are directly or indirectly may cause the interference of the national unity and integrity.

Article 4
Paragraph (1) Clear enough
Paragraph (2) Clear enough
Paragraph (3) The ratification on the establishment of the Political Party through the promulgation in the State Gazette of the Republic of Indonesia by the Minister of Justice of the Republic of Indonesia is meant for the national legal administrative requirement and to comply with the publicly principle.

Article 5
Paragraph (1)
Letter a
What is meant by the national aspiration of the People of Indonesia are all contents included in the Preamble of the Constitution of 1945.
Letter b Clear enough
Paragraph (2) Clear enough

Article 6 Clear enough

Article 7
Paragraph (1)
Letter a Clear enough
Letter b Clear enough
Letter c Clear enough
Paragraph (2) Clear enough

Article 8
Paragraph (1)
Letter A
The participation of the political party in the General Election is the right to participate in the General election after complying with the requirements as regulated in the Law on General Election.
Letter B Clear enough

Article 9
Letter a Clear enough
Letter b Clear enough
Letter c Clear enough
Letter d Clear enough
Letter e What is meant by fair, just, direct, general, free, and confidential are as regulated in the Law on General Election.

Article 10
Paragraph 1
Letter a Clear enough
Letter b Clear enough
Letter c Clear enough
Paragraph (2) Clear enough
Article 11
The Board of Political Party for the Administrative Area within the circles of the Jakarta Raya Capital Special Territory and other Administrative Areas which are defined at the same level of the Level II region, are equalized with the Level II Region as meant in Article 11 letter c.

Article 12
Paragraph (1)
Letter a
What is meant by contribution of members is the contribution of fund required by the Political party periodically to each of its members.
Letter b
What is meant by donations are funds provided to the Political Party by community members, companies and other bodies, and by the government.
Letter c Clear enough
Paragraph (2)
What is meant by state budget is the national state budget and regional budget.
The first amount of assistance to each General Election participating Political Party, after this Law is enacted, is equalized. The amount of assistance is adjusted to the financial condition of the state.
Paragraph (3) Clear enough
Paragraph (4) Clear enough

Article 13
Paragraph (1)
What is meant by non-profit organization, which is not seeking financial profit.
Paragraph (2) Clear enough

Article 14
Paragraph (1)
What is meant by each person is citizen of the Republic of Indonesia
Paragraph (2) Clear enough
Paragraph (3) Clear enough
Paragraph (4) Clear enough

Article 15
Paragraph (1)
What is meant by the end of the year in this paragraph is the end of the calendar year.
What is meant by the General Election in this paragraph is the day of taking votes.
Paragraph (2) Clear enough

Article 16
Letter a Clear enough
Letter b
What is meant by donations and assistance from foreign parties in this Article 16 letter b are donations and assistance from foreign governments, institutions, corporations, and citizens, either domiciled abroad or domestic.
Letter c Clear enough
Letter d
What is meant by the policies of the Government are the Government activities in implementing state policies.

Article 17
Paragraph (1) Clear enough
Paragraph (2)
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What is meant by freezing in this paragraph (2) is temporary ceasing the management and/or activities of the Political Party.

What is meant by dissolving in this paragraph (2) is revoking the life and existence right of the political party throughout the territory of the Republic of Indonesia.

Paragraph (3)

Prior to the judicature process in this paragraph (3), is the Supreme Court of the Republic of Indonesia gives 3 (three) consecutive written warnings within the period of 3 (three) months.

Paragraph (4) Clear enough

Article 19
Paragraph (1) Clear enough
Paragraph (2) Clear enough
Paragraph (3) Clear enough
Paragraph (4) Clear enough

Article 20
Clear enough

Article 21
Paragraph (1) Clear enough
Paragraph (2) Clear enough

Article 22
Clear enough

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 3809