



PRESIDEN
REPUBLIK INDONESIA

UU RI No. 28/1999

**THE STATE ORGANIZER WHO IS CLEAN AND FREE FROM
CORRUPTION,
COLLUSION, AND NEPOTISM**

**WITH THE BLESSINGS OF THE ONE GOD
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,**

Considers:

- a. that the State Organizer has a decisive role in the organizing of the State for achievement of the cause of the nation's struggle in materializing a just and prosperous society as stipulated in the 1945 Constitution;
- b. that to materialize the organizer of the State who is capable of seriously carrying out his function and duties with full responsibility, it is necessary to establish principles on the organizing of the State;
- c. that the practice of corruption, collusion, and nepotism is not only carried out between the organizers of the State themselves but also between the organizers of the State and other parties which can damage the principles of life in maintaining a society, nation and State and which can jeopardize the existence of the State, so that a legal platform is necessary to prevent them from happening.
- d. that based on the consideration as meant in letters a, b, and c it is necessary to draw up a Law on the State Organizer who is Clean and Free from Corruption, Collusion, and Nepotism.

Recalls:

1. Article 5 paragraph (1) and Article 20 paragraph III of the 1945 Constitution;
2. Stipulation of the People's Consultative Assembly No. XI/MPR/1998 on the State Organizer who is Clean and Free from Corruption, Collusion, and Nepotism.

Under the Approval of the
Parliament of the Republic of Indonesia
And the
President of the Republic of Indonesia

A Decision has been made on :

The implementation of :

**LAW ON THE STATE ORGANIZER WHO IS CLEAN AND FREE FROM
CORRUPTION, COLLUSION, AND NEPOTISM.**

**CHAPTER I
GENERAL PROVISIONS**

Article 1

In this Law what is meant by:

1. The State Organizer shall be a State Functionary who carries out an executive, legislative, or judicial function and other functionaries whose functions and main duties are related to the organizing of the State in accordance with the regulations and legislation in force.
2. A clean organizer of the State shall be a State Functionary who abides by the general provisions on the organizing of the State and who are free from corruption, collusion, and nepotism, and any other misbehaving deeds.
3. Corruption shall be a criminal act as meant in the provisions of the rules and legislation on the corruption criminal act.
4. Collusion shall be a conspiracy or cooperation in a manner contradictory to the Law between the state organizers themselves or between the state organizer and another party which causes losses to other people, the society, and/or the State.
5. Nepotism shall be any act of a state organizer in a manner contradictory to the Law which brings about benefits to the interests of his family and/or his crony above the interests of the people, nation, and State.
6. The General Principles of a Good Public Administration shall be the principles, which highly regard the norms of morality, decency, and legal norms for materializing a state organizer who is clean and free from corruption, collusion, and nepotism.
7. The Commission for Investigation of the Assets of State Organizers, further referred to as the Investigation Commission, shall be an independent institution in charge of investigating the assets of State Organizers and former State Organizers for prevention of the practice of corruption, collusion, and nepotism.

**CHAPTER II
THE STATE ORGANIZER**

Article 2

State Organizers shall cover:

1. State Functionaries in the State Supreme Institution;
2. State Functionaries in the State High Institutions;
3. Ministers;

4. Governors;
5. Judges;
6. Other State Functionaries under the Regulations and Legislation in force;
7. Other Functionaries having strategic functions in relation to the Organizing of the State under the Regulations and Legislation in force.

**CHAPTER III
GENERAL PRINCIPLES FOR THE ORGANIZING OF THE STATE**

Article 3

The general principles for the organizing of the State shall be:

1. The principles of legal certainty;
2. The principles of State Functionaries in the State High Institutions;
3. The principles of State Organizing Orderliness;
4. The principles of Public Interests;
5. The principles of Proportionalities;
6. The principles of Professionalism; and
7. The principles of Accountabilities.

**CHAPTER IV
RIGHTS AND OBLIGATIONS OF THE STATE ORGANIZER**

Article 4

Every state organizer shall have the rights:

1. to receive salaries, allowances, and other facilities according to the provisions of the regulations and legislation in force;
2. to use the right of response to every warning, measures by his chief, punishment threat, and public criticisms;
3. to express opinion in public responsibly according to his competence; and
4. to receive other rights according to the provisions of the regulations and legislation in force.

Article 5

Every State Organizer shall have the obligations:

1. to pronounce an oath or pledge according to his religion before holding his position;
2. to be prepared for investigation of his assets before, during and after holding his position.
3. to report and announce his assets before and after holding his position;
4. not to commit the acts of corruption, collusion and nepotism;
5. to perform duties without ethnic, religious, racial and organizational discrimination;

6. to perform duties with full responsibility; not to commit ill-behaved acts, without seeking benefit either in his own interests, in the interests of his family, crony, or group, and not to expect compensation in whatsoever kind of form which is contrary to the provisions of the regulations and legislation in force; and
7. to be prepared for becoming a witness in the lawsuit of corruption, collusion and nepotism and other lawsuits according to the provisions of the regulations and legislation in force.

Article 6

The rights and obligations of the State Organizer as meant in Articles 4 and 5 shall be executed according to the 1945 Constitution and the provisions of the regulations and legislation in force.

CHAPTER V RELATIONS BETWEEN STATE ORGANIZERS

Article 7

- (1) The relations between the State Organizers themselves shall be established by abiding by the norms on institutions, politeness, morality, and ethics under Pancasila and the 1945 Constitution.
- (2) The relations between the State Organizers themselves as meant in paragraph (1) shall stick to the principles as meant in Article 3 and the provisions of the regulations and legislation in force.

CHAPTER VI PUBLIC PARTICIPATION

Article 8

- (1) Public participation in the organizing of the State shall be the rights and responsibility of the public to participate in the materialization of a clean State Organizer.
- (2) The relations between the State Organizer and the public shall be carried out by sticking to the general principles of the organizing of the State as meant in Article 3.

Article 9

- (1) Public participation as meant in Article 8 shall be materialized in the form of:
 - a. the rights of seeking, acquiring, and giving information on the organizing of the State;

- b. the rights of receiving an equal and just service from the State Organizer.
 - c. the rights of passing suggestions and opinions with responsibility on the policy of the State Organizer; and
 - d. the rights of receiving legal protection:
 - 1) in executing their rights as meant in letters a, b, and c;
 - 2) in being requested to be present in the process of examination, investigation, and in the session of the Court as a reporting witness, witness, expert witness, according to the provisions of the regulations and legislation in force.
- (2)
- (3) The provisions on the procedure for the implementation of public participation in the organizing of the State as meant in paragraph (1) shall be further stipulated by a Government Regulation.

CHAPTER VII INVESTIGATING COMMISSION

Article 10

For the materialization of clean State Organizers who are free from corruption, collusion, and nepotism the President as Head of State shall establish an Investigating Commission.

Article 11

The Investigating Commission of clean State Organizers who are free from corruption, collusion, and nepotism, the President as Head of State shall establish an Investigating Commission.

Article 12

- (1) The Investigating Commission shall have the function of preventing the practice of corruption, collusion, and nepotism in the organizing of the State.
- (2) In implementing its function as meant in paragraph (1), the Investigating Commission can cooperate with the institutions involved either domestic or overseas.

Article 13

- (1) The membership of the Investigating Commission shall consist of government and public elements.
- (2) A Presidential Decree shall determine the appointment and disengagement of the Investigating Commission members after receiving approval from the House of Representatives.

Article 14

- (1) For possible appointment as a member of the Investigating Commission as meant in Article 10, the prospective member shall be at least 40 (forty) years old and at the very most 75 (seventy-five) years old.
- (2) The member of the Investigating Commission members shall be disengaged in case of:
 - a. passing away;
 - b. withdrawing; or
 - c. no longer meeting the provisions as meant in paragraph (1) and the provisions of the regulations and legislation in force.
- (3) The member of the Investigating Commission shall be appointed for 5 (five) years and can thereafter be re-appointed for 1 (one) term of office.
- (4) The provisions on the conditions and the procedure for the appointment and release of the member of the Investigating Commission as meant in paragraphs III and 121 shall be further arranged by a Government Regulation.

Article 15

- (1) The structure of membership of the Investigating Commission shall consist of one Chairman concurrently member, 4 (four) Vice Chairmen concurrently members, and at least 20 (twenty) members divided in 4 (four) Sub-Commissions.
- (2) The Chairman and Vice Chairmen shall be elected by and front the members on the basis of negotiation and agreement
- (3) The 4 (four) Sub-Commissions as meant in paragraph (1) shall consist of:
 - a. Executive Sub-Commission;
 - b. Executive Sub-Commission;
 - c. Legislative Sub-Commission;
 - d. Judicial Sub-Commission;
 - e. Sub-Commission for State Corporations/Regional Government Corporations
- (4) Each member of the Sub-Commission as meant in paragraphs (3) shall be appointed according to his expertise and shall work in collegiality.
- (5) In performing his duties, the Investigating Commission shall be assisted by a Secretary General.
- (6) The Investigating Commission shall be domiciled in the capital of the Republic of Indonesia.
- (7) The operation area of the Investigating Commission shall cover the whole territory of the Republic of Indonesia.
- (8) The Investigating Commission shall establish a Regional Investigating Commission, which is stipulated by a Presidential Decree after receiving recommendation from the Regional House of Representatives.

Article 16

- (1) Before holding the office, the Chairman, Vice Chairmen and the members of the Investigating Commission shall pronounce an oath or pledge according to their respective religions, which shall read as follows:
"I swear or pledge that I shall always perform my duties and authority seriously, honestly, bravely, justly, shall not discriminate against the position, ethnic origin, religion, race and group of the State Organizer to be investigated by me, and shall carry out my duties as best as I can, and shall be fully accountable to the only one God Almighty, society, people and State."
"I swear or pledge that in doing or not doing something in my duties and authority I shall not receive directly or indirectly from whomsoever a promise or a gift."
"I swear or pledge that I shall maintain and practice the tenets of Pancasila as the State Principles, to implement the 1945 Constitution and other regulations and legislation in force for the Republic of Indonesia."
- (2) The oath or pledge as meant in paragraph (1) shall be pronounced in the presence of the President.

Article 17

- (1) The Investigating Commission shall have the duties and authority to make investigation on the assets of the State Organizer.
- (2) The duties and authority of the Investigating Commission as meant in paragraph (1) shall be:
 - a. to monitor and clarify the assets of the State Organizer;
 - b. to examine the reports or complaints from the public, communal self supporting institutions, or Government institution on the suspicion of the existence of corruption, collusion and nepotism by the State Organizer.
 - c. to make investigation with its own initiative on the assets of the State Organizer on the basis of the existence of corruption, collusion and nepotism by the State Organizer towards the State Organizer concerned.
 - d. to seek and get evidences, to cause witnesses to be present for investigation of the State Organizer who is suspected of committing corruption, collusion and nepotism, or to ask documents from the parties involved in the investigate inn of the assets of the State Organizer concerned.
 - e. if considered necessary, besides asking for ownership evidences of part of or the entire assets of the State Organizer which are suspected of being obtained from corruption, collusion and nepotism during his term of office as a State Organizer, it shall also ask the competent authority to prove the suspicion in accordance with the provisions of the regulations and legislation in force.

- (3) The examination of the assets of the State Organizer as meant in paragraph (1) shall be carried out before, during and after the person concerned holds the office.
- (4) A Government Regulation shall stipulate the provisions on the procedure for the examination of the assets of the State Organizer as meant in paragraphs (2) and (3).

Article 18

- (1) The results of examination by the Investigating Commission as meant in Article 17 shall be submitted to the President, the House of Representatives, and the Supreme Audit Council.
- (2) Especially on the results of the examination of assets of the State Organizer by the Judicial Sub-Commission, they shall also be submitted to the Supreme Court.
- (3) If in the results of examination as meant in paragraph (1) is found an indication of the existence of corruption, collusion and nepotism, the results of examination shall be submitted to the competent authority in accordance with the provisions of the regulations and legislation in force, for follow-up.

Article 19

- (1) The President and the House of Representatives shall carry out the monitoring and evaluation of the implementation of the duties and authority of the Investigating Commission.
- (2) A Government Regulation shall stipulate the provisions on the procedure for the monitoring and evaluation as meant in paragraphs (1).

CHAPTER VIII SANCTIONS

Article 20

- (1) Every State Organizer violating the provisions as meant in Article 5 figure 1, 2, 3, 4, 5, or 6 shall be subject to administrative sanctions in accordance with the provisions of the regulations and legislation in force.
- (2) Every State Organizer violating the provisions as meant in Article 5 figure 4 or 7 shall be subject to criminal sanctions and/or civil sanctions in accordance with the provisions of the regulations and legislation in force.

Article 21

Every State Organizer or member of the Investigating Commission committing collusion as meant in Article 5 figure 4 shall be subject to criminal imprisonment for at least 2 (two) and at the very most 12 (twelve) years and penalty for at least Rp 200,000,000.00 (two hundred million rupiahs) and at the very most Rp 1,000,000,000.00 (one billion rupiahs)

Article 22

Every State Organizer or member of the Investigating Commission committing nepotism as meant in Article 5 figure 4 shall be subject to criminal imprisonment for at least 2 two and at the very most 12 (twelve) years and penalty for at least Rp 200,000,000.00 (two hundred million rupiahs) and at the very most Rp 1,000,000,000.00 (one billion rupiahs)

**CHAPTER IX
TRANSITIONAL PROVISIONS**

Article 23

Within at least 6 (six) months as from the start of the enforcement of this Law, every State Organizer shall report and announce his assets and shall be prepared for examination of his assets in accordance with the provisions of the regulations and legislation in force.

**CHAPTER X
CLOSING PROVISIONS**

Article 24

This Law shall come into force 6 (six) months as from the date of promulgation.

For public cognizance, this Law shall be promulgated by placing it in the Statute Book of Republic of Indonesia.

Promulgated in Jakarta
on May 19, 1999

THE STATE MINISTER SECRETARY
OF STATE
OF THE REPUBLIC OF INDONESIA

sgd

PROF. DR. H. MULADI, SH
STATUTE BOOK OF THE REPUBLIC OF INDONESIA OF 1999 NO. 75

Legalized in Jakarta
on May 19, 1999
THE PRESIDENT OF THE
REPUBLIC OF INDONESIA

sgd

BACHARUDDIN JUSUF
HABIBIE