
AUTHORIZED TRANSLATION



LAW OF THE REPUBLIC OF INDONESIA

LAW NO. 14 OF 1985

REGARDING

SUPREME COURT

BY THE GRACE OF THE GOD ALMIGHTY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering : a. that the Republic of Indonesia, as a constitutional state based on Pancasila (National Ideology) and the Constitution of 1945, is aimed at realizing prosperous, safe, peaceful and well-ordered nation's life;
- b. that to this end and to ensure equal citizens' position in law state, there should be efforts to enforce the order, justice, truth, and law certainty that are able to provide protection to the community;
- c. that to attain the objective above, regulation on the composition and powers of the Supreme Court that is still based on Law Number 13 of 1965 is no longer appropriate to the essence and

spirit of Law Number 14 of 1970;

- d. whereas in addition, by Law Number 6 of 1969, Law Number 13 of 1965 is declared invalid, but the time of its ineffectiveness shall be specified at the time of entry into effect of the replacing Law;
- e. that to implement the Law Number 14 of 1970, it is deemed necessary to stipulate the Law regulating the status, composition and powers of the Supreme Court as well as law of procedure applicable to the Supreme Court;

- Recalling : 1. Article 5 paragraph (1), Article 20 paragraph (1), Article 24, and Article 25 Constitution 1945;
2. Stipulation of the People's Consultative Assembly of the Republic of Indonesia Number III/MPR/1978 regarding Position and Work System Relations of the State Supreme Institution with / or inter-Higher State Institutions;
3. Law Number 14 of 1970 regarding Basic Provisions Justice Authority (State Gazette Number 1970 Years 74, Supplement to State Gazette Number 2951);

At Approval

**HOUSE OF PEOPLE'S REPRESENTATIVES OF THE REPUBLIC OF INDONESIA
HAS DECIDED:**

To stipulate: LAW ON THE SUPREME COURT.

CHAPTER I
GENERAL PROVISIONS

Part One

The position of Supreme Court

Article 1

The Supreme Court shall be a State High Institution as referred to in the Stipulation of the People's Consultative Assembly of the Republic of Indonesia Number III/MPR/1978.

Article 2

The Supreme Court shall be the Highest State Court of all the Judicature Institutions that in carrying out their duties are independent from the influence of government and other influences.

Part Two

Domicile

Article 3

The Supreme Court has its domicile in the capital of the Republic of Indonesia.

CHAPTER II
COMPOSITION OF THE SUPREME COURT

Part One

General

Article 4

The composition of the Supreme Court shall consist of the Chairman, Member Judge, Registrar, and Secretary General of the Supreme Court.

Article 5

- (1) The Management of the Supreme Court shall consist of a Chairman, a Vice-Chairman and several Deputies.
- (2) The Member Judges of the Supreme Court Judge shall be the Supreme Judge.

Part Two

The Chairman, Vice-Chairman, Deputy, and the Member Judge of the Supreme Court

Article 6

- (1) Chairman, Vice-Chairman, Deputy, and Member Judges of the Supreme Court shall be the state officials carrying out the task of Justice Power.
- (2) The requirements and procedures for their appointment and dismissal as referred to in paragraph (1) shall be stipulated in herein.

Article 7

- (1) To become eligible to be appointed as a Supreme Judge, the candidate shall meet the following requirements:
 - a. Indonesian National;
 - b. Devoted to the God Almighty;
 - c. Loyal to Pancasila (National Ideology) as the nation's view of life, the state foundation, and national ideology, to the Proclamation of August 17, 1945, Constitution 1945 as well as the revolution of independence of Indonesia to carry out the mandate of the people's anguish;
 - d. Not ex-member of the banned Indonesian Communist Party, including its mass organizations or not involved directly or indirectly in the "Counter

- Revolutionary Movement G.30.S/PKI" or any other illegal organization;
- e. Graduate in law or other discipline and having expertise in the law field;
 - f. At age of minimum 50 (fifty) years;
 - g. experienced at least 5 (five) years as the Chairman of Appeal Court or 10 (ten) years as a Judge of Appeal Court;
 - h. Authoritative, honest, fair, and good character.
- (2) In certain cases, there is possibility to appoint a Supreme Judge not based on the career system provided that the relevant party has experience at least 15 (fifteen) years in the law field.

Article 8

- (1) The Supreme Judge shall be appointed by the President as the State Head from the list of candidates nominated by the House of People's Representatives.
- (2) List of candidates as Referred to in paragraph (1) shall be nominated by the House of People's Representatives to the President as the State Head after the House of People's Representatives hears the opinion of the Supreme Court and the Government.
- (3) Chairman and Vice-Chairman of the Supreme Court shall be appointed by the President as the State Head from the Supreme Judges nominated by the House of People's Representatives.
- (4) The Deputy of the Supreme Court shall be appointed by the President as the State Head from Supreme Judges of the Supreme Court nominated by the

Chairman of the Supreme Court.

- (5) To fill the vacancy of position of Chairman, Vice-Chairman, Deputy, and Member Judge of the Supreme Court, 2 (two) candidates are nominated for each position.

Article 9

- (1) Before commencing their position, the Chairman, Vice-Chairman, Deputy, and Member Judge of the Supreme Court shall have their oath or promise administered according to their Religion or belief, reading as follows:

"I swear/promise solemnly that I will not in getting my position directly or indirectly, by using the name or any means, give or promise anything to anyone".

"I swear/promise that I, in doing or not doing something in this position, at all-time will never receive directly or indirectly from anyone else any promises or gift."

"I swear/promise that I will be loyal to and will defend as well as practice and ideology of Pancasila as the state Constitution of 1945, and all the Law as well as other regulations that apply to the Republic of Indonesia."

"I swear/promise that I will consistently undertake this office honestly, thoroughly and without any discrimination between any people and shall apply in carrying out my duty as well as possible and as fairly as possible the withdrawal of a Chairman, Vice-Chairman, Deputy, Member Supreme Court Judge.

The righteous good and honest in upholding law and justice. "

- (2) Chairman, Vice-Chairman, and Deputy Supreme Court to take an oath or

pledge before the President as State Head.

- (3) Member of Supreme Court Judge sworn or promised by the Chairman of the Supreme Court.

Article 10

- (1) The Supreme Judge should not have double position as:
 - a. Executive of the Supreme Court's decision;
 - b. Trustee, custodian, and officials relating to a case that will be or being examined by him;
 - c. Legal Counsel;
 - d. Entrepreneurs.
- (2) Except the prohibition on double position already provided for in the Law, other position that should not be held by the Supreme Judge as referred to in paragraph (1) shall further be stipulated by Government Regulation.

Article 11

- (1) The Chairman, Vice-Chairman, Deputy, and Member Judge of the Supreme Court shall be honorably discharged from their office by the President as the State Head based on the recommendation of the Supreme Court for the following reasons:
 - a. Own request;
 - b. Permanent spiritual or physical disorder;
 - c. Reaching age of 65 (sixty five) years;
 - d. Proven of unable to perform their duties.
- (2) The Chairman, Vice-Chairman, Deputy, and Judge members of the Supreme

Court passing away shall automatically be honorably discharged from office by the President as the State Head.

Article 12

- (1) The Chairman, Vice-Chairman, Deputy, and Member Judge s of the Supreme Court shall be dishonorably discharged from their office by the President as the State Head based on the recommendation of the Supreme Court for the following reasons:
 - a. Imprisoned for a criminal offense;
 - b. Committing immoral acts;
 - c. Continuous failure to perform obligation in carrying out his job;
 - d. Breaching the oath of office;
 - e. Breaching the prohibitions as referred to in Article 10.
- (2) The proposal on the dishonorable dismissal at the reasons mentioned in paragraph (1) items b through e shall be made after the relevant party is provided with opportunity to defend himself before the Supreme Court Advisory Council.
- (3) The establishment, composition, and work system of the Supreme Court Advisory Council shall be determined by the Supreme Court.

Article 13

- (1) Before dishonorable dismissal as referred to in Article 12 (1), the Chairman, Vice-Chairman, Deputy, and Member Judge of the Supreme Court may be suspended from office by the President as the State Head based on the recommendation of the Supreme Court.

- (2) Proposal on suspension as referred to in paragraph (1) shall also apply the provisions as referred to in Article 12 (2).

Article 14

- (1) In case of instruction to capture and detain a Supreme Judge, the relevant Supreme Judge shall be suspended.
- (2) If the Supreme Judge is brought into the Court for criminal case as provided for in Article 21 (4) of Law Number 8 of 1981 without detention, then he could be suspended from his position.

Article 15

Further provisions on the procedures for honorable and dishonorable dismissal and the suspension as well as the rights of dismissed official shall be provided for by the Government Regulation.

Article 16

- (1) Protocol position of the Chairman, Vice-Chairman, Deputy, and Member Judge of the Supreme Court, shall be provided for by Law.
- (2) The financial/administrative right of the Chairman, Vice-Chairman, Deputy, and Member Judge of the Supreme Court, shall be provided for by Law.

Article 17

- (1) The Chairman, Vice-Chairman, Deputy, and Member Judge of the Supreme Court may be arrested or detained based on the orders of the Attorney General only after obtaining approval of the President, except in the case:
- a. Red-handed when committing a criminal offense, or;

- b. Based on sufficient preliminary evidence, has been suspected of committing a criminal offense that is subjected death penalty, or crimes against the state security.
- (2) The arrest or detention of as referred to in (1) items a and b item shall within not later than within 2 (two) times 24 (twenty four) hours be reported to the Attorney General.

Part Three

Supreme Court Registrar

Article 18

In the Supreme Court, it is established a Registrar's Office headed by a Registrar and assisted by a Vice-Registrar, several Registrar Deputy, and several Substitutes for Registrar.

Article 19

Tasks as well as responsibilities, organizational structure and work procedures of the Supreme Court Registrar's Office shall be determined the Decree of the President.

Article 20

- (1) To be appointed as a Registrar of the Supreme Court, a candidate shall meet the following requirements:
- a. Indonesian National;
 - b. Devoted to God Almighty;
 - c. Loyal to Pancasila (National Ideology) and Constitution of 1945;
 - d. Graduate in Law;
 - e. Experienced at least 5 (five) years as the Chairman of Appeal Court or 10

(ten) years as the Judge of the Appeal Court or 15 (fifteen) years as a Registrar Deputy of the Supreme Court.

- (2) To be appointed as a Vice-Registrar of the Supreme Court, a candidate shall meet the following requirements:
 - a. Conditions as referred to in paragraph (1) items a, b, c, and d;
 - b. Experienced at least 3 (three) years as the Chairman of Appeal Court or 7 (seven) years as a Judge of Appeal Court or 10 (ten) years as a Registrar Deputy of the Supreme Court.
- (3) To be appointed as Registrar Deputy of the Supreme Court, a candidate shall meet the following requirements:
 - a. Conditions as referred to in paragraph (1) item a, item b, item, c, and item d;
 - b. Experienced at least 5 (five) years as a Judge of the Appeal Court or 5 (five) years as Chairman of Court of First Instance or 5 (five) years as a Substitute for Supreme Court's Registrar.
- (4) To be appointed as Substitute for a Registrar of the Supreme Court, a candidate shall meet the following requirements:
 - a. Conditions as referred to in paragraph (1) items a, b, c, and d;
 - b. Experienced at least 10 (ten) years as a Judge of the Court of First Instance.

Article 21

The Registrar, Vice-Registrar of Supreme Court shall be appointed and dismissed by the President based on the recommendation of the Chairman of the Supreme Court.

Article 22

Before assuming their position, the Registrar and Vice-Registrar of Supreme Court shall have their administered by the Chairman of the Supreme Court.

Article 23

The Deputy and Substitute for Registrar of Supreme Court shall be appointed and dismissed by the Chairman of the Supreme Court.

Article 24

Before assuming their position, the Deputy and Substitute for Registrar of the Supreme Court shall have their oath administered by the Chairman of the Supreme Court.

Part Four

Secretary General of the Supreme Court

Article 25

In the Supreme Court, it is established a General Secretariat headed by a Secretary General and assisted by a Deputy Secretary General.

Article 26

Tasks as well as responsibilities, organizational structure and work procedures of the Secretariat General of the Supreme Court shall be established by Decree of the President.

Article 27

Supreme Court Registrar shall be cum the Secretary General of the Supreme Court.

CHAPTER III
AUTHORITIES OF THE SUPREME COURT

Article 28

- (1) The Supreme Court shall have tasks and authorities to examine and decide upon:
- a. Petition for cassation;
 - b. Disputes on the competency to try;
 - c. Petition for judicial review for the absolute Court's judgment.
- (2) For the smooth implementation of tasks as referred to in paragraph (1), the Chairman of the Supreme Court shall determine the job descriptions of the Supreme Court.

Article 29

The Supreme Court shall decide upon the petition for cassation to the judgment of the Appeal Court or the Final Level of all the Environmental Institution.

Article 30

The Supreme Court in the cassation level may cancel the judgment or adjudication of the Courts all Judicature institutions due to:

- a. Incompetence or exceeding competency limits;
- b. Wrongly applying or violating prevailing law;
- c. Failure to fulfill the conditions required by the legislation threatened by revocation of judgment.

Article 31

- (1) The Supreme Court has an authority to carry out material examination only to the legislation subordinate this Law
- (2) The Supreme Court has an authority to declare invalid all legislation of the lower level at reason that they are contradictory to the higher legislation.
- (3) The decision on statement on invalid legislation may be adopted in relation to the examination in the cassation level.

Revocation of a legislation declared invalid shall be made immediately by the relevant agency.

Article 32

- (1) The Supreme Court shall conduct the highest supervision to the implementation of judicature in all courts in performing the judicature power.
- (2) The Supreme Court shall supervise the behavior and acts of the Judges in all courts in performing their duties.
- (3) The Supreme Court shall have authority to request for information on matters relating to the technical matters of trial in all judicature institutions.
- (4) The Supreme Court shall have authority to give instructions, admonition, or warning deemed necessary to the Court in all the Justice Institutions.
- (5) The supervision and authority as referred to in paragraph (1) through (4) shall not decrease the Judge's freedom in examining and deciding the cases.

Article 33

- (1) The Supreme Court shall decide at the first and final levels of all disputes about the authority to try:
 - a. Between one Court of Justice an another in the Justice Institutions;

- b. Between two Courts of Justice in the different Appeal Court of the different jurisdiction;
 - c. Between two Appeal Court in the same Justice Institutions or between different Justice Institutions.
- (2) The Supreme Court shall have authority to decide in the first and final level, all disputes arising out from expropriation of foreign ship and its cargo by wars hips of the Republic of Indonesia based on the prevailing legislation.

Article 34

The Supreme Court shall examine and decide upon the petition for judicial review at the first and final levels to the absolute Court's decision based on the reasons provided for in Chapter IV of Part Four hereof.

Article 35

The Supreme Court shall give legal advice to the President as the State Head for granting or denial of clemency.

Article 36

The Supreme Court and the Government shall conduct supervision to the Legal Advisor and Notary Public.

Article 37

The Supreme Court shall give consideration in the legal aspects whether requested or not to the other State High Institution.

Article 38

The Supreme Court shall have authority to request for information from and give

directions to the Court in all the Justice Institutions for the implementation of the provisions of Article 25 Law Number 14 of 1970 regarding Principles of Justice Powers.

Article 39

In addition to the tasks and authorities in this Chapter, the Supreme Court may be assigned other duties and authorities based on the Law.

CHAPTER IV

LEGAL PROCEDURE FOR SUPREME COURT

Part One

General

Article 40

- (1) The Supreme Court shall conduct examination and pass judgment by at least 3 (three) Judges.
- (2) The judgment of the Supreme Court shall be pronounced before a hearing open to public.

Article 41

- (1) A Judge shall resign from a trial if there is kinship or marital relationship up to the third degree or a husband or wife even already divorce with one of Member Judge or Registrar in the same Assembly as referred to in Article 40 paragraph (1).
- (2) A Judge or Registrar shall resign from the trial if the kinship or marital relation up to the third degree or a husband or wife even already divorce with the Public Prosecutor, military prosecutor, and defendant, Legal Counsel, the Defendants

or the Plaintiffs.

- (3) The kinship relation as referred to in paragraph (1) and paragraph (2) shall also apply to the Supreme Judge and / or Registrar of Supreme Court with the Judge and / or Registrar Court of First Instance as well as Judge and / or Registrar Appeal Court already trying the same case.
- (4) If a Judge already deciding the case in the first level or appeal level, then has become the Supreme Judge, the Supreme Judge is prohibited from examining the same case.
- (5) The Judge or Registrar as referred to in paragraphs (1), (2), (3), and (4) shall be replaced, otherwise or if he does not resign while the case has been decided, the decision shall be null and void and the case shall be tried again with other composition of Assembly.

Article 42

- (1) A Judge shall not try any case in which he is interested directly or indirectly.
- (2) In case of any matter as referred to in paragraph (1), the Judge shall resign whether on his own willingness or at the request of the Public Prosecutor, Military Prosecutor, Defendant, Legal Counsel, the Defendants or the Plaintiffs.
- (3) If there is any doubt or different opinion on matters as referred to in paragraph (1), then :
 - a. The Chairman of the Supreme Court because of his position shall act as an official authorized to determine;

- b. If relating to the Chairman of the Supreme Court itself, the party authorized to determine the same is a committee, consisting of 3 (three) persons elected by and between the Supreme Judge of the longest service term.

Part Two

Cassation Examination

Paragraph 1

General

Article 43

- (1) The petition for cassation may be filed only if the petitioner of the relevant case has adopted the remedy unless provided for otherwise by Law.
- (2) The petition for cassation appeal may only be filed 1 (one) time.

Article 44

- (1) The petition for cassation as referred to in Article 43 may be filed by:
 - a. the disputing parties or their representatives who are specifically authorized to do so in a civil case or state administrative case examined and decided upon by the Appeal or Final Court in General Judicature Institution, Religion Court, and the State Administration Court;
 - b. Defendants or their representatives specifically authorized to do so or the Public Prosecutor or Prosecutor in a criminal case examined and decided upon by the Appeal or Final Level Court in General or Military Court.
- (2) In a cassation examination of a criminal case, before the Supreme Court issues its verdict, the Attorney General because of his position may submit a technical

opinion on the law in such cases.

Article 45

- (1) The application for cassation in the interest of law may be filed by the Attorney General because of his position in a civil case or state administration examined and decided upon by the Court of First Instance or Appeal Court in Justice Institutions as referred to In Article 44 paragraph (1) item a.
- (2) The petition for cassation as referred to in paragraph (1) may be filed only 1 (one) time.
- (3) The decision on cassation in the interest of law shall not harm the disputing parties.

Paragraph 2

General Court

Article 46

- (1) The Petition for cassation in a civil case shall be filed in writing or verbally through the Registrar of the Court of First Instance already passing its judgment, within 14 stay of (fourteen) days after the notification on the Court's decision or adjudication to the petitioner.
- (2) If the stay of 14 (fourteen) days has passed without any cassation filed by the disputing parties, then the disputing parties shall be considered already accepting the verdicts.
- (3) After the petitioner pays the case charges, the Registrar as in paragraph (1) shall annotate the petition for cassation in the register, and on the very day

prepare the minutes of petition for cassation for attachment to the case file.

- (4) Within not later than within 7 (seven) days after the petition for cassation is registered, the Registrar of the Court of the First Instance passing judgment on the case shall be informed in writing about the petition to its opponent.

Article 47

- (1) The petition for cassation shall be furnished with a cassation memorandum containing the reasons, submitted within 14 (fourteen) days after the request is recorded in the book list.
- (2) The Registrar Court is to decide cases within the first level to provide a receipt upon receiving a copy of the memorandum of appeal and appeal memorandum submitted to the party opponent in the case in question no later than 30 (thirty) days.
- (3) The opponent's right to bring a letter of response. Memorandum of appeal to the Registrar as Referred to In paragraph (1), given within 14 (fourteen) days from the date of receipt of a copy of the memorandum of appeal.

Article 48

- (1) After receiving the memorandum of cassation and response to the memorandum of cassation as referred to in Article 47, the Court's Registrar passing judgment on the cases in the first level shall submit the petition for cassation, appeal, reply to the memorandum of cassation, furnished with the case files to the Supreme Court within not later than 30 (thirty) days.
- (2) The Supreme Court's Registrar shall record the petition for cassation in the

register by jotting down the order number by the date of receipt, make brief notes of its contents, and report the same to the Supreme Court.

Article 49

- (1) Before the issue of judgment on petition for cassation by the Supreme Court, the petitioner may revoke the petition, and if it is already revoked, the petitioner shall no longer be able to file a petition for cassation in such case although still within the stay.
- (2) If the revocation as referred to In paragraph (1) is made before the case file is sent to the Supreme Court, then the case file is not forwarded to the Supreme Court.

Article 50

- (1) Examination to the cassation shall be conducted by the Supreme Court, based on the letters and only if it is deemed necessary, the Supreme Court shall hear the parties or witnesses, or instruct the Court of First Instance or Appeal Court passing judgment upon the case to hear the parties or the witnesses.
- (2) If the Supreme Court voids the Court's judgment and try by itself the case, then verification law applicable to the Court of First Instance shall be adopted.

Article 51

- (1) In case the Supreme Court grants the cassation based on Article 30 item a, then it shall deliver the case to another Court competent to examine and pass judgment on it.
- (2) If the Supreme Court grants the cassation based on Article 30 items b, and c

item, then the Supreme Court shall pass judgment upon the case for which the petition for cassation is filed.

Article 52

In passing a judgment, the Supreme Court shall not be bound to the reasons put forward by the petitioner for cassation and may use other legal reasons.

Article 53

- (1) A copy of the judgment shall be delivered to the Chairman of the Court of First Instance to pass judgment on the case.
- (2) The judgment of the Supreme Court by the Court of First Instance shall be notified to both parties within no later than 30 (thirty) days after the receipt of the verdict and the case file is by the Court of First Instance.

Article 54

In examining the cassation of the criminal case, the judicial procedure as provided for in the Criminal Law of Procedure shall be adopted.

Paragraph 3

Religion Court, State Administration Court, Military Court

Article 55

- (1) Examination of cassation for cases shall be decided by the Court on Religion Court Institution or a termination by the State Administration Court Institution, conducted according to the provisions of this Law.
- (2) In the examination to cassation for the case of which the judgment is passed by

the Military Court Institution, law of procedure applicable to the Military Court Institution shall be used.

Part Three

Examination to the Dispute on

The Competence to Try

Paragraph 1

General

Article 56

- (1) The Supreme Court shall examine and pass adjudication on the dispute on the competence to try as referred to In Article 33 paragraph (1).
- (2) The disputes on the competence to try will occur:
 - a. If 2 (two) or more state Courts have competence to try the same case;
 - b. If 2 (two) or more state Courts have no competence to try to the same case.

Paragraph 2

General Court

Article 57

- (1) Petition to examine and pass judgment on competence to try in a civil case shall filed in writing to the Supreme Court furnished with opinion and the reason by:
 - a. The Disputing parties through the Chairman Court;
 - b. Chairman of Court examining the case.

- (2) The Supreme Court's Registrar shall annotate the petition in the register of dispute regarding the competence to try the civil case and at order of the Chairman of the Supreme Court shall send the to the opponent with notice that he within grace period of 30 (thirty) days after receiving the copy of the petition shall be entitled to submit a written reply to the Supreme Court, furnished with the opinion and reasons thereof.
- (3) After the petition is accepted, the examination of the case by the Court is adjourned until the dispute is judged by the Supreme Court.
- (4) The Supreme Court's judgment shall be addressed to:
 - a. The parties through the Chairman of Court;
 - b. Chairman of the relevant Court.

Article 58

The request to examine and decide the dispute on competence to try the criminal case shall be filed in writing by the Public Prosecutor or the accused furnished with the opinion and reason thereof.

Article 59

- (1) If the petition as referred to in Article 58 is filed by the Public Prosecutor, the letter of petition and case file shall be submitted by the Public Prosecutor to the Supreme Court, while the copy is sent to the Attorney General, the Chairman of Courts and Public Prosecutor in other Attorney as well as to the defendant.
- (2) The Public Prosecutor in other Attorney and the defendant within not later than 30 (thirty) days after receiving the copy of the petition as referred to in

paragraph (1) shall address their opinions to the Supreme Court.

Article 60

- (1) If the petition is filed by the defendant, then the letter of petition shall be filed through the relevant Public Prosecutor, that then forwards the same furnished with opinions and case file to the Supreme Court.
- (2) The Public Prosecutor as referred to in paragraph (1) shall submit the copy of the petition and any other opinion to the other Public Prosecutor.
- (3) Other Public Prosecutor as referred to in paragraph (2) shall forward the report to the Supreme Court within 30 (thirty) days after receiving the copy of the application.

Article 61

- (1) The Public Prosecutor as referred to in Article 60 paragraph (1) shall as soon as possible submit the copy of the petition to the Chairman of Court passing judgment on the case.
- (2) Upon the receipt of the petition, the case examination by the examining Court shall be adjourned until the dispute is decided by the Supreme Court.

Article 62

- (1) The Supreme Court may order the Court examining the case to inquire the information from the defendant on any matters considered necessary.
- (2) Court so ordered after carrying out the order as referred to in paragraph (1) shall prepare the minutes of examination and submit the same to the Supreme

Court.

Article 63

- (1) In case of dispute on the competence to try as referred to In Article 58, the Supreme Court shall pass verdict on the dispute after hearing the opinion of the Attorney General.
- (2) The Attorney General shall notify the judgment as referred to in paragraph (1) to the defendant and the Public Prosecutor in the case.

Paragraph 3

Religion court, State Administration Court, Military Court

Article 64

- (1) Examination to dispute on the competence to try between the Court occurring:
 - a. In the Religion Court;
 - b. In the State Administration Court; shall be carried out according to the provisions of Article 57
- (2) Examination to dispute on the competence to try between the Military Court shall be carried out according to the provisions of Article 58 to Article 63.

Paragraph 4

Examination To Dispute on Competence to Try between the Court Institutions

Article 65

- (1) Examination to dispute on the competence to try between:
 - a. Court in the General Court with the Religion Court Institution and the State

administration court;

- b. Religion Court and the State administration court; shall be carried out according to the provisions of Article 57.

- (2) Examination to dispute on the competence to try in the General Court and the Military Court shall be carried out according to the provisions of Article 58 to Article 63.

Part Four

Examination to Judicial Review of Absolute Court's Judgment

Article 1

General

Article 66

- (1) Petition for judicial review may be filed only 1 (one) time.
- (2) The petition for judicial review shall not suspend nor cease the execution of Court's judgment.
- (3) The petition for judicial review may be revoked as long as the judgment is not yet passed, and in the case revocation, the petition for review already revoked can not be filed again.

Article 2

General Court

Article 67

Petition for review the absolute judgment may be submitted only based on the reasons as follows:

- a. If the decision is based on a lie or deception of the opponent known after the judgment on case is passed based on the evidence declared fake by the judge of the criminal case;
- b. If after the judgment is passed, there found the vital exhibits that were not found when the case was examined;
- c. If it already granted any matter sued or more than that sued;
- d. If about part of the claim is not yet decided without considering their causes;
- e. If between the same parties about the same matter, on an equal basis by the same Court or the same level, it was passed a judgment contradictory to each other;
- f. If in a judgment there is Judge's offense or obvious mistake.

Article 68

- (1) Petition for judicial review shall be filed by the relevant disputing party or his heirs or a representative specifically empowered to do so.
- (2) If during the judicial review process the petitioner passes away, the petition may be continued by his heirs.

Article 69

The stay for filing of judicial review based on reason as referred to in Article 67 shall be 180 (one hundred and eighty) days for:

- a. Those mentioned in item a since the lie or deception is known or since the judgment of the Judge for criminal case is absolute, and already notified to the

disputing parties;

- b. That as referred to in item b since the exhibits are found, that day as well as the date of the finding shall be declared under oath and approved by the competent officials;
- c. That as referred to in item c, d, and f as of the judgment is absolute and already notified to the disputing parties ;
- d. That is mentioned in item E since the final and contradictory judgment is absolute and already notified to the disputing parties.

Article 70

- (1) The petition for judicial review shall be filed by petitioner to the Supreme Court through the Chairman of the District Court passing judgment on the case in the trial court by paying the required case charges.
- (2) The Supreme Court shall pass judgment on the petition for judicial review at the first and final levels.

Article 71

- (1) The petition for judicial review shall filed by the petitioner in writing, clearly stating the grounds used as basis of the petition and submitted to the Registrar's Office of the District Court that passes judgment on the cases in the first instance.
- (2) If the petitioner is unable to write, he shall describe his petition orally in the presence of Chairman of the District Court that will pass judgment in the first

instance or judge who is appointed by the Chairman of Court who will make notes about the application.

Article 72

- (1) After the Chairman of the District Court passing the judgment on the case in the first level receives a petition for judicial review, the Registrar shall within not later than within 14 (fourteen) days give or send a copy of such application to the petitioner's opponent, with intention that :
 - a. In case of judicial review based on reason as referred to in Article 67 items a or b, the other party has the opportunity to file a reply;
 - b. In case of the petition for judicial review based on one of the reasons in Article 67 items c through f, for cognizance.
- (2) The stay for opponent parties to file a reply as referred to in paragraph (1) Item a shall be 30 (thirty) days after the date of receipt of a copy of the petition for judicial review.
- (3) The reply shall be submitted or sent to the Court passing the judgment on the case in the first level and the Registrar shall affix the stamp on the reply, the day as well as the date of receipt thereof, a copy is delivered or mailed to the petitioner for cognizance.
- (4) The petition complete with case files and their costs shall be submitted by the Registrar to the Supreme Court within not later than 30 (thirty) days.
- (5) In relation to petition for the judicial review, no correspondence between the

petitioner and / or other parties to the Supreme Court shall be made.

Article 73

- (1) The Supreme Court shall have authority to order the District Court examining the case in the First Instance or Appeal Court to carry out additional inspection, or request for further information as well as consideration of the relevant Court.
- (2) The Supreme Court may request information from the Attorney General or from other officials entrusted with the investigation task if necessary.
- (3) The Court as referred to in paragraph (1), after executing the order of the Supreme Court shall immediately submit minutes of additional examination as well as consideration as referred to In paragraph (1) to the Supreme Court.

Article 74

- (1) In the case of Supreme Court grants the petition for judicial review, the Supreme Court shall void the judgment for which the petition for judicial review is submitted and subsequently examine and pass judgment by itself the case.
- (2) The Supreme Court shall decline the petition for judicial review, in case the Supreme Court is of the opinion that the petition is groundless.
- (3) The judgment of the Supreme Court as referred to in paragraph (1) and paragraph (2) shall be furnished with considerations.

Article 75

The Supreme Court shall send a copy of the judgment on the petition for judicial review to the District Court passing judgment on cases in First Instance and the

Registrar of the District Court shall submit the copy of the judgment to the petitioner as well as inform the same to its opponent by delivering the copy, within not later than 30 (thirty) days.

Article 76

The examination to the petition for judicial review of the absolute judgment on the criminal case shall remain use the procedure for judicial review as provided for in the Indonesian Criminal Code.

Paragraph 3

**Religion Court, State Administration Court,
Military Court**

Article 77

- (1) The examination to the judicial review of the case of which the judgment is already passed by the Religion Court Institution or by the State Administration Court Institution shall use of law procedure of the judicial review as provided for in Article 67 through Article 75.
- (2) The examination to the judicial review of the case of which the judgment is already passed by the Military Court Institution shall use law procedure of the judicial review as provided for in Indonesian Criminal Code.

Part Five

Examination to Dispute Occurring Due to Ship Seizure

Article 78

The examination to disputes arising out from the expropriation of foreign ship and its

cargoes by warships of the Republic of Indonesia shall be based on Law.

CHAPTER V

OTHER PROVISIONS

Article 79

The Supreme Court may set forth further matters required for the smooth administration of justice if there are any matters not yet sufficiently provided herein.

CHAPTER VI

TRANSITIONAL PROVISIONS

Article 80

Upon effectiveness hereof, all existing regulations regarding the implementation of Supreme Court shall remain valid as long as new regulations hereunder have not yet been issued and not contradictory to this Law.

CHAPTER VII

CLOSING

Article 81

Upon effectiveness hereof, Law Number 13 of 1965 regarding Court in the General Court and the Supreme Court as long as regarding the Supreme Court shall be declared invalid.

Article 82

This Law shall become effective as of the date of promulgation.

For public cognizance, it is instructed to promulgate this Law by inserting the same in the State Gazette of the Republic of Indonesia.

Ratified in Jakarta

On : December 30, 1985

PRESIDENT OF THE REPUBLIC OF INDONESIA

SOEHARTO

Promulgated in Jakarta

On : December 30, 1985

MINISTER / SECRETARY OF STATE

REPUBLIC OF INDONESIA

Sudharmono, SH

STATE GAZETTE OF THE REPUBLIC OF INONESIA OF 1985 NUMBER 73

**ELUCIDATION
TO
LAW OF THE REPUBLIC OF INDONESIA
LAW NO. 14 OF 1985
REGARDING
SUPREME COURT**

I. GENERAL

1. One of elements in the national development's objectives mandated by the Outlines of State Policy is fair and prosperous society based on Pancasila (National Ideology) in the Unitary State of the Republic of Indonesia that is independent, sovereign, united, and people's sovereignty in the atmosphere of a prosperous, safe, peaceful, and well-ordered nation life. The life atmosphere mentioned above is part of the portrait of the Indonesian's life order of which the realization is hoped through series of ongoing and continuous efforts and development activities. However, experience in the state and nation life since her independence shows that the effort to realize such life is affected by many interrelated things. Ideal of justice, truth, law certainty, and order system as well as law enforcement are matters affecting the life atmosphere as mentioned in above. The problem is that it is simultaneously also the purpose of development activities in the law aspect within the framework of the implementation of national development. By this understanding, then one of approaches to adopt is that relates to the running of justice power.
2. Based on Decree of the People's Consultative Assembly of the Republic of

Indonesia Number III/MPR/1978 regarding Position and Work System Relations of the State Supreme Institution with / or Inter-State Institutions of Higher correlated to Law Number 14 of 1970 regarding Principles of Justice Power, the Supreme Court is granted with power and authority to:

- a. Examine and pass judgment on:
 - 1) Petition for cassation;
 - 2) disputes on competency to try;
 - 3) Petition for judicial review to the absolute court's judgment.
- b. Provide consideration in the legal aspect whether requested or not, to the State High Institution;
- c. Provide legal advice to the President as the State Head for granting or denial of clemency;
- d. Examine materially only to the legislation below the Law;
- e. Carry out other duties and authorities based on the Law.

To be able to run the power and authority properly, the Supreme Court carries out the following :

- a. Supervisory authority including:
 - 1) The proceedings of hearing;
 - 2) Court work and the behavior of the Judge in all Justice Institutions;
 - 3) Monitoring to the Legal Advisor and Notary as long as relating to justice;
 - 4) Giving a warning, admonition, and instructions so required.
- b. Inquire information and consideration of:
 - 1) Court in all Justice Institutions;

- 2) Attorney General;
 - 3) Other officials entrusted with the task of prosecuting a criminal case.
- c. Make regulations as a complement to fill the legal insufficiency or vacancy required for the smooth justice implementation.
 - d. Manage their own administration whether on the justice administration or public administration.
3. Law Number 14 of 1970 regarding Principles of Justice Powers affirms that:
- a. Justice power is an independent state authority to conduct judiciary to uphold the law and justice based on Pancasila, for the running of law state of the Republic of Indonesia;
 - b. The administrator of Justice power is the Court in:
 - General Court;
 - Religion court;
 - Military Court;
 - State Administration Court.
 - c. The Supreme Court is the Highest Court and to conduct the highest supervision to the Court's act.

By taking into account the position and role of the Supreme Court as mentioned above, it is necessary to issue a firm, clear, and strict regulation to the institution.

One of the principles laid down in Law Number 14 of 1970 is that the justice shall comply with the expectations of the justice seeker who always want simple, fast, accurate, fair, and low cost justice. In line with the principles mentioned above as well as an attempt to realize the justice system more effective and efficient in the administration of Justice in the state of power laws of the Republic of Indonesia, then this Law emphasizes that the Supreme Court is the Supreme Court of any State Justice Institutions.

4. To obtain Supreme Judge that is independent, dare to adopt judgment and free from influence, both from within and from outside, there should be requirements as outlined in this Law. Basically, the appointment of Supreme Judge is based on a career and a closed system.

However, in certain cases, there is also possibility to appoint a Supreme Judge not based career system. The appointment of the Supreme Judge based career system refers to Article 11 Law Number 8 of 1974 (State Gazette Number 55 of 1974, Supplement Number 3041). Furthermore, to more secure the creation of the best atmosphere for the running of the judiciary to enforce the law and justice based on Pancasila, it is necessary to formulate a Law regulating the sanction to any acts, behavior, attitude and / or speech that may belittle and undermine the authority, dignity, and honor of the judicial authority known as "contempt of court".

5. About how the Supreme Court will be able to carry out these duties, this Law also gives him a lenience to set their own job descriptions in the organization structure so as to completely cover the settlement of all

problems from many Justice Institutions.

But since the task is very wide and difficult, then to provide administrative support properly, this Law sets forth the existence of the Secretary-General that is also held by the Supreme Court's Registrar. Double position is based on the idea that the implementation of Supreme Court administrative services as a whole are able to be made more effective and integrated. In this respect, in the implementation of daily tasks, the Supreme Court's Registrar is assisted by a Vice-Registrar of the Supreme Court for judicial administration tasks, and Secretary General of the Supreme Court is assisted by Deputy Secretary General of the Supreme Court for the tasks of public administration, such as financial arrangements, staffing, equipment, maintenance, etc.

This separation allows the Registrar to more focus on the tasks of a technical nature of justice, while providing administrative support, including financial administration, personnel equipment, maintenance, and others organized by the Secretariat General.

III. ARTICLE BY ARTICLE

Article 1

Self-explanatory

Article 2

Self-explanatory

Article 3

Self-explanatory

Article 4

Self-explanatory

Article 5

Self-explanatory

Article 6

Self-explanatory

Article 7

Basically, the Supreme Judge appointment shall be based on a career and a closed system. However, in certain cases there is possibility to appoint Supreme Judge not based on the career system.

By other means having expertise in the field of law as referred to In paragraph (1) item e shall be those having expertise in the field of criminal law, civil law, religion law, military law, and state administrative law.

The requirements as referred to in paragraph (1) except item g shall apply to the Supreme Judge appointment based on paragraph (2).

Article 8

Paragraph (1)

The list of candidates for Supreme Judge from the Judge's career as well as from outside the Judge's career has been prepared based on consultation between the People's Representative, Government, and Supreme Court of which the implementation is adapted to the conditions applicable to their respective institutions.

Paragraph (2)

By "Government" shall mean the relevant Minister.

Paragraph (3)

Self-explanatory

Paragraph (4)

Self-explanatory

Paragraph (5)

Self-explanatory

Article 9

Paragraph (1)

When administering the oath, certain words are uttered according to their respective Religion, for example, for Moslem, the words "By God" before uttering an oath and to followers of the Christian / Catholic the words "We hope God will help me" uttered after the oath.

Paragraph (2)

Self-explanatory

Paragraph (3)

Self-explanatory

Article 10

Paragraph (1)

Item a

Self-explanatory

Item b

Self-explanatory

Item c

Self-explanatory

Item d

By "businessmen" shall mean the Supreme Judge who for example has a company, become shareholders of the Company or running other business.

Paragraph (2)

Self-explanatory

Article 11

Paragraph (1)

By the Supreme Court shall means the Chairman of Supreme Court.

Honorable dismissal of the Supreme Judge at own request shall cover the definition of resignation at the grounds that the relevant Court Judge fails to enforce the law in their own institution. Basically, the situation, conditions, atmosphere and life regularity of the institution of each Supreme Judge is one of important roles in assisting to improve the image and prestige of a Supreme Judge and this should start from the orderly life of the domestic life of the Supreme Judge.

By permanent "physical or mental disorder " shall mean any diseases causing the sufferer no longer able to perform his obligations properly.

By "incompetent" shall mean for example the relevant party commits serious negligence in performing their duties.

Termination based on this Article shall be notified to the House of People's Representatives.

Paragraph (2)

Self-explanatory

Article 12

Paragraph (1)

By the "Supreme Court" shall mean the Chairman of Supreme Court.

By sentenced according to Article 12 paragraph (1) items shall mean imprisonment for at least 3 (three) months.

By committing "immoral act " shall mean when the relevant Judge because of the attitudes, actions, and actions both inside and outside Court degrades the judge's dignity.

By "job assignment" shall mean all the tasks assigned to the relevant party.

Paragraph (2)

In the case of dishonorable dismissal at the reasons of being imprisoned due to crime, the relevant party will not be provided with the opportunity to defend himself, unless the imprisonment imposed upon is less than 3 (three) months.

Paragraph (3)

By the Supreme Court in paragraph (1) and paragraph (3) of this Article shall mean the Chairman of Supreme Court.

Article 13

Paragraph (1)

By the “Supreme Court” shall mean the Chairman of Supreme Court.

Paragraph (2)

Suspension based on the reason in Article 17 paragraph (1) item b, item c, d items, and items e shall be 6 (six) months and may be extended for a maximum another 6 (six) months.

When the period of suspension expired and there is no proposal to dismiss the relevant party dishonorably, then he should be rehabilitated.

Article 14

Self-explanatory

Article 15

Self-explanatory

Article 16

Paragraph (1)

Self-explanatory

Paragraph (2)

What is meant by financial / administrative right of the Chairman, Vice-Chairman, Deputy, and Member Judge of the Supreme Court shall be all the rights provided for in Law Number 12 Years 1980. (State Years 1980 Number 71, Supplementary State Gazette Number 3182), while the rank and benefits associated with position as public servants shall

be regulated separately.

Article 17

Self-explanatory

Article 18

Self-explanatory

Article 19

Self-explanatory

Decree of President in this Article is established based on the recommendation of the Supreme Court.

Article 20

Paragraph (1)

By "law expert " in this Article shall include other experts in the law field considered qualified for the position.

Paragraph (2)

Self-explanatory

Paragraph (3)

Self-explanatory

Paragraph (4)

Self-explanatory

Article 21

Self-explanatory

Article 22

The wording of an oath or promise of the Supreme Court Registrar and Vice-Registrar of Supreme Court is essentially as referred to in Article 29 Law Number 14 of 1970 regarding Principles of the Power Justice.

Article 23

Self-explanatory

Article 24

The wording of an oath or promise Registrar Deputy and Substitute for Registrar of the Supreme Court is essentially as referred to in Article 29 Law Number 14 of 1970 regarding Principles of the Power Justice.

Article 25

Self-explanatory

Article 26

Self-explanatory

Article 27

Self-explanatory

Article 28

Self-explanatory

Article 29

Self-explanatory

Article 30

Self-explanatory

Article 31

Paragraph (1)

This article set forth the right of the Supreme Court to conduct material test. The Supreme Court has right to test any regulation lower than the Law whether or not they comply with the legislation of the higher level.

Paragraph (2)

If exercising the right to test based on this Article, the Supreme Court adopted decision that a legislation of lower level than Law is contradictory to the higher law and regulations and the Supreme Court expressly stated that regulation is invalid and does not apply to the public.

Paragraph (3)

Self-explanatory

Article 32

Paragraph (1)

Self-explanatory

Paragraph (2)

Self-explanatory

Paragraph (3)

Authority to carry out supervision by the Supreme Court can be

delegated to the Appeal Court in all Justice Institutions.

Paragraph (4)

Self-explanatory

Paragraph (5)

Self-explanatory

Article 33

Paragraph (1)

Self-explanatory

Paragraph (2)

What is meant by ship is a ship and aircraft.

Article 34

Self-explanatory

Article 35

Legal advice as referred to in article is provided in accordance with Law Number 3 of 1950 regarding Petition for clemency.

Article 36

In general, guidance and supervision to the Legal Advisor and Notary is the responsibility of the Government. Especially in carrying out their duties concerning the judiciary, the Legal Advisor and Notary are under the supervision of the Supreme Court. In supervising the Supreme Court and the Government to respect and maintain the independence of Legal

Counsel and Notary office in carrying out their respective duties. In the case of a necessary legal actions against themselves or a Notary Public Counsel in the form of dismissal and dismissal, including the suspension, their respective professional organizations shall be heard first.

Article 37

Self-explanatory

Article 38

Self-explanatory

Article 39

What is meant by "other duties and authority" in this Article shall be for example arbitration etc.

Article 40

Paragraph (1)

If the Tribunal convenes with more than 3 (three) Judges, the numbers shall always be odd.

Paragraph (2)

Decisions not complying with the provisions of paragraph (1) and (2) of this Article shall be null and void

Article 41

Self-explanatory

Article 42

Self-explanatory

Article 43

Paragraph (1)

The exception in paragraph (1) of this Article shall be made because of the decision of the Court of First Instance that according to law the petition for appeal cannot be filed.

Paragraph (2)

Self-explanatory

Article 44

Paragraph (1)

Item a

Self-explanatory

Item b

The term "criminal case" in item b of this Article shall also be interpreted the military criminal case.

Paragraph (2)

Self-explanatory

Article 45

Paragraph (1)

Self-explanatory

Paragraph (2)

Self-explanatory

Paragraph (3)

What is meant by "should not be detrimental to the disputing party " in

paragraph (3) shall be not delaying the implementation nor changing the absolute court's decision.

Article 46

Self-explanatory

Article 47

Paragraph (1)

Filing an cassation memorandum containing the reasons thereof is a sine qua non for the receipt of the petition for cassation. This memory shall be filed within not later than 14 (fourteen) days after filing the petition for cassation.

Paragraph (2)

Self-explanatory

Paragraph (3)

Self-explanatory

Article 48

Self-explanatory

Article 49

Self-explanatory

Article 50

Paragraph (1)

What is meant by "the letters" shall also include the case file and other

documents deemed necessary.

Paragraph (2)

In principle, examination of cassation in paragraph (1) is based on the order number of the case examination.

Article 51

Self-explanatory

Article 52

Self-explanatory

Article 53

Paragraph (1)

A copy of the verdict shall also be sent to the Court passing judgment of the case in appeal level.

Paragraph (2)

Self-explanatory

Article 54

Self-explanatory

Article 55

Self-explanatory

Article 56

Self-explanatory

Article 57

Self-explanatory

Article 58

Self-explanatory

Article 59

Self-explanatory

Article 60

Self-explanatory

Article 61

Self-explanatory

Article 62

Self-explanatory

Article 63

Self-explanatory

Article 64

Paragraph (1)

Self-explanatory

Paragraph (2)

Application of Article 58 to Article 63 in Military Court shall be adjusted as necessary to the provisions applicable to the Military Court.

Article 65

Paragraph (1)

Self-explanatory

Paragraph (2)

Application of the provisions of Article 58 to Article 63 in the Environment Military Court is adjusted as necessary with the provisions applicable to Military Court.

Article 66

Self-explanatory

Article 67

Self-explanatory

Article 68

Self-explanatory

Article 69

Item a

Day and date of the identification of the lies and deception must be evidenced in writing.

Item b

Self-explanatory

Item c

Self-explanatory

Item d

Self-explanatory

Article 70

Self-explanatory

Article 71

Self-explanatory

Article 72

Self-explanatory

Article 73

Self-explanatory

Article 74

Self-explanatory

Article 75

Self-explanatory

Article 76

Self-explanatory

Article 77

Self-explanatory

Article 78

Self-explanatory

Article 79

If there are deficiencies or legal vacuum in the course of justice in some cases, the Supreme Court has authority to make rules as a supplement to fill the same. By this Law, the Supreme Court has authority to determine the arrangement on how the settlement of a matter that has not or not yet provided for in this Law.

In this case the regulations issued by the Supreme Court is distinguished from the regulations drawn up by former Law.

The running of justice intended in this law is only part of law procedure as a whole. Thus the Supreme Court will not intervene nor exceed the regulation of rights and obligations of citizens in general nor regulate the nature, strength, verification tools as well as valuation or distribution of the verification charge.

Article 80

Self-explanatory

Article 81

Self-explanatory

Article 82

Self-explanatory

SUPPLEMENT TO OFFICIAL GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 3316

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Authorized and Sworn Translator,

FIKRI SAID OBED