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AUTHORIZED TRANSLATION  
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**LAW OF THE REPUBLIC OF INDONESIA**

**NUMBER 2 OF 1986**

**REGARDING**

**GENERAL COURT**

**BY THE GRACE OF GOD ALMIGHTY**

**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 composition and powers of the General Court;

Recalling : 1. Article 5 paragraph (1), Article 20 paragraph (1), Article 24, and Article 25 of Constitution of 1945;

2. Law Number 14 of 1970 regarding Principles of Justice Authority (State Gazette of 1970 Number 74, Supplement to State Gazette Number 2951);

3. Law Number 14 of 1985 regarding Supreme Court (State Gazette of 1985 Number 73, Supplement to State Gazette Number 3316);

**At Approval of**

**HOUSE OF PEOPLE'S Representatives of the REPUBLIC OF INDONESIA**

**HAS DECIDED:**

To stipulate: LAW REGARDING GENERAL COURT

**CHAPTER**  
**GENERAL PROVISIONS**

**Part One**

**Definition**

**Article 1**

In this Law, by:

1. Court shall mean the District Court and High Court in the General Court.
2. Judge shall mean the Judge in the District Court and Judge in the High Court.

**Part Two**

**Position**

**Article 2**

General Court shall mean one of executives of Justice Power for the people seeking for the justice in general.

**Article 3**

- (1) The Justice Power in the General Court environment shall be carried out by:
  - a. District Court;
  - b. High Court.
- (2) The highest Justice Power in the General Court environment shall be at the Supreme Court as the Highest State Court.

### **Part Three**

#### **Domicile**

##### **Article 4**

- (1) The District Court has domicile in the Municipality or in the District capital, and its legal territory shall cover the District or Municipal areas.
- (2) The High Court has domicile in the capital of the Province, and its legal territory covers the Provincial an area.

### **Part Four**

#### **Development**

##### **Article 5**

- (1) The court technical development for the Court shall be carried out by the Supreme Court.
- (2) The organization, administration, and financial development of the Court shall be carried out by the Minister of Justice.
- (3) The development as referred to in paragraph (1) and paragraph (2) shall not decrease the Judge's freedom in examining and deciding the cases.

## **CHAPTER II**

### **COMPOSITION OF COURT**

#### **Part One**

##### **General**

##### **Article 6**

The Court shall consist of:

- a. District Court constituting the Court of First Instance;
- b. High Court, constituting Appeal Court.

#### **Article 7**

The District Court shall be established by the Decree of the President.

#### **Article 8**

In the General Court, the specialization can be made regulated by the Law.

#### **Article 9**

The High Court shall be established by the Law.

#### **Article 10**

- (1) The composition of the District Court shall consist of Chairman, Member Judge, Registrar, Secretary, and Bailiff.
- (2) The composition of the High Court shall consist of the Chairman, Judge Member, Registrar, and Secretary.

#### **Article 11**

- (1) The management of the District Court shall consist of a Chairman and a Vice Chairman.
- (2) The management of the High Court shall consist of a Chairman and a Vice Chairman.
- (3) The Member Judges of the High Court shall be a High Judge.

**Part Two**  
**Chairman, Vice Chairman, Judge, Registrar, and the Bailiff of Court**

**Paragraph 1**  
**Chairman, Vice Chairman, and Judge**

**Article 12**

- (1) The Court Judge shall be official carrying out tasks of the Justice Power.
- (2) The requirements and procedures for the appointment, dismissal as well as implementation of the Judge's tasks shall be stipulated herein.

**Article 13**

- (1) The development and general supervision of the Judge as the civil servant shall be carried out by the Minister of Justice.
- (2) The development and supervision as referred to in paragraph (1) shall not decrease the Judge's freedom in examining and deciding case.

**Article 14**

- (1) To become eligible to be appointed as a Court Judge, the candidate shall meet the following requirements:
  - a. Indonesian Citizen;
  - b. Devoted to the God Almighty;
  - c. Loyal to Pancasila and Constitution 1945;

- 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. Civil servant;
  - f. Graduate in law;
  - g. At age of minimum 50 (fifty) years;
  - h. Authoritative, honest, fair, and good character.
- (2) To become eligible to be appointed as Chairman and Vice Chairman of the District Court, the candidate shall have experience at least 10 (ten) years as the District Court's Judge.

### **Article 15**

- (1) To become eligible to be appointed as High Court Judge, a candidate must meet the following requirements:
- a. The requirements as referred to in Article 14 paragraph (1) item, a, b, c, d, e, f, and h;
  - b. At age of minimum 40 (forty) years;
  - c. Have experience for at least 5 (five) years as the Chairman or Vice Chairman of the District Court or 15 (fifteen) years as the District Court Judge.
- (2) To become eligible to be appointed as Chairman of the High Court, the experience for at least 10 (ten) years as a High Court Judge or at least 5 (five)

years for High Court Judge ever has position as Chairman of the District Court shall be required.

- (3) To become eligible to be appointed as Chairman of the High Court, the experience for at least 8 (eight) years as a High Court Judge or at least 3 (three) years for High Court Judge ever has position as Chairman of the District Court shall be required.

### **Article 16**

- (1) The Court Judge shall be appointed and dismissed by the President as the Head of State at the proposal of Minister of Justice based on the approval of Chairman of the Supreme Court.
- (2) Chairman and Vice Chairman of Court shall be appointed and dismissed by the Minister of Justice at approval of the Chairman of the Supreme Court.

### **Article 17**

- (1) Before commencing their position, the Chairman, Vice-Chairman, and Judge of the 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 Chairman, Vice Chairman, a righteous good and honest Judge in upholding law and justice."

- (2) Vice Chairman and Judge of District Court to take an oath or pledge before the Chairman or District Court.
- (3) Vice Chairman and Judge of High Court as well as Chairman of the District Court to take an oath or pledge before the Chairman of the High Court.
- (4) Chairman of the High Court to take an oath or pledge before the Chairman of the Supreme Court.

### **Article 18**

- (1) Unless stipulated otherwise by or based on Law, the judge shall not have double position as:
  - a. executive the Court's judgment;
  - b. guardian, custodian, and officials relating to a case being examined by him;
  - c. Entrepreneurs.
- (2) The Judge shall not have double position as lawyer.
- (3) Positions that should not be held by Judge other than the position as referred to in paragraph (1) and paragraph (2) shall further be regulated by the Government Regulation.

## **Article 19**

- (1) Chairman, Vice Chairman, and Judge of the Court shall be honorably dismissed from his position because:
- a. Own request;
  - b. Permanent spiritual or physical disorder;
  - c. Reaching age of 60 (sixty) years for the Chairman, Vice Chairman, and Judge of District Court, and 63 (sixty-three) years for the Chairman, Vice Chairman, and Judge High Court;
  - c. Proven of unable to perform their duties.
- (2) Chairman, Vice Chairman, and Judge Court passing away shall automatically be honorably discharged from office by the President as the State Head.

## **Article 20**

- (1) Chairman, Vice Chairman, and Judge of the Court shall be dishonorably discharged from their position 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 as well as self-defense procedures shall be stipulated by the Chairman of Supreme Court together with the Minister of Justice.

### **Article 21**

A Judge dismissed from his position shall not automatically be dismissed from his position as a civil servant.

### **Article 22**

- (1) Before dishonorable dismissal as referred to in Article 20 paragraph (1), the Chairman, Vice Chairman, and Judge of the Court may be suspended from his position by the President as the Head of State at the proposal of the Minister of Justice based on the approval of the Chairman of the Supreme Court.
- (2) For the proposal of suspension as referred to in paragraph (1) shall also comply with the provisions as referred to Article 20 paragraph (2).

### **Article 23**

- (1) In case of instruction to capture and detain a Judge, the relevant Judge shall be suspended.
- (2) If the 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 24**

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 25**

- (1) Protocol position of the Court Judge shall be provided for by Decree of the President.
- (2) The allowances and other provisions for the Chairman, Vice Chairman, and Judge of Court shall be provided for by the Decree of President.

#### **Article 26**

Chairman, Vice Chairman, and Judge of the Court may be arrested or detained only based on the orders of the Attorney General after obtaining approval of the Chairman of Supreme Court and Minister of Justice, except in the case:

- a. Red-handed when committing a criminal offense, or;
- b. suspected of committing a criminal offense that is subjected to death penalty,  
or.
- c. suspected of committing a criminal offenses against the state security.

## **Paragraph 2**

### **Registrar**

#### **Article 27**

- (1) In every Court, the Registrar shall be established chaired by a Registrar.
- (2) In performing its duties, the District Court's Registrar is assisted by a Vice Registrar, several Registrar Deputy, and several Substitutes for Registrar and several bailiffs.
- (3) In performing its duties, the High Court's Registrar is assisted by a Vice Registrar, several Registrar Deputy, and several Substitutes for Registrars.

#### **Article 28**

To be appointed as a Registrar of the District Court, a candidate shall meet the following requirements:

- a. Indonesian National;
- b. Devoted to God Almighty;
- c. Loyal to Pancasila and Constitution of 1945;
- d. At least under-graduate in law;
- e. Experienced at least 4 (five) years as the Vice Registrar or 7 (seven) years as the Deputy Registrar of the District Court or has position as a Vice Registrar of the High Court.

### **Article 29**

To be appointed as a Registrar of the High Court, a candidate shall meet the following requirements:

- a. Conditions as referred to in Article 28 item a, b, and c;
- b. Graduate in law;
- c. Experienced at least 4 (four) years as Vice Registrar or 8 (eight) years as Young High Court Registrar, or 4 (four) years as a District Court Registrar.

### **Article 30**

To be appointed as Deputy Registrar District Court, a candidate must meet the following requirements:

- a. The requirements as referred to in Article 28 items a, b, c, and d;
- b. Experienced at least 4 (four) years as Deputy of Registrar or 6 (six) years as a Substitute for Registrar of the District Court.

### **Article 31**

To be appointed as Vice Registrar of the High Court, a candidate must meet the following requirements:

- a. The conditions as referred to in Article 28 item a, b, and c;
- b. Graduate in law;
- c. Experienced at least 4 (four) years as Deputy of Registrar or 7 (seven) years as a Substitute for Registrar of the High Court, or 4 (four) years as a Vice Registrar

of District Court, or has position as a District Court's Registrar.

### **Article 32**

To be appointed as Deputy of Registrar of the District Court, a candidate must meet the following requirements:

- a. The conditions as referred to in Article 28 items a, b, c, and d;
- b. Experienced at least 3 (three) years as a Substitute for Registrar of the District Court.

### **Article 33**

To be appointed as Deputy of Registrar of High Court, a candidate must meet the following requirements:

- a. The conditions as referred to in Article 28 items a, b, c, and d;
- b. Experienced at least 3 (three) years as a Substitute for the Registrar of High Court or 4 (four) years as a Deputy of Registrar or 8 (eight) years as the Substitute for Registrar of District Court, or has position as Vice Registrar of District Court.

### **Article 34**

To be appointed as Substitute for Registrar of District Court, a candidate must meet the following requirements:

- a. The conditions as referred to in Article 28 items a, b, c, and d;
- b. Experienced at least 5 (five) years as a civil servant in the District Court.

### **Article 35**

To be appointed as Substitute for Registrar of High Court, a candidate must meet the following requirements:

- a. The conditions as referred to in Article 28 items a, b, c, and d;
- b. Experienced at least 5 (five) years as a Substitute for Registrar of the District Court or 10 (ten) years as a civil servant in the High Court.

### **Article 36**

- (1) Unless stipulated otherwise by or based on the Law, the Registrar shall not have double position as trustee, guardian, and officials relating to the case in which he acted as Registrar.
- (2) The Registrar shall not has double position as lawyers.
- (3) Positions that should not be held by the Registrar in addition to positions as referred to in paragraph (1) and paragraph (2) shall further be regulated by the Minister of Justice based on approval Chairman of the Supreme Court.

### **Article 37**

Registrar, Vice Registrar, Deputy of Registrar, and Substitute for Registrar shall be appointed and dismissed from his position by the Minister of Justice.

### **Article 38**

Before commencing their position, the Registrar, Vice Registrar, Deputy of Registrar, and Substitute for Registrar 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 righteous good and honest Registrar, Vice Registrar, Deputy of Registrar, and Substitute for Registrar in upholding law and justice.

### **Paragraph 3**

#### **Bailiff**

#### **Article 39**

In every District Court, the bailiff and the Substitute for bailiff shall be stipulated.

#### **Article 40**

- (1) To be appointed as a bailiff, a candidate must meet the following requirements:
  - a. Indonesian National;

- b. Devoted to God Almighty;
  - c. Loyal to Pancasila and Constitution of 1945;
  - d. Certified at least Senior High School;
  - e. Experienced at least 5 (five) years as a bailiff in Lieu.
- (2) To be appointed as Substitute for bailiff, a candidate must meet the following requirements:
- a. Conditions as referred to in paragraph (1) items a, b, c, and d;
  - b. Experienced at least 5 (five) years as a civil servant in the District Court.

#### **Article 41**

- (1) The bailiff of District Court shall be appointed and dismissed by the Minister of Justice at the recommendation of Chairman of the District Court.
- (2) Substitute for bailiff shall be appointed and dismissed by the Chairman of the District Court.

#### **Article 42**

Before commencing their position, the bailiff and the Substitute for bailiff 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 righteous good and honest Registrar, Vice Registrar, Deputy of Registrar, and Substitute for Registrar in upholding law and justice.

### **Article 43**

- (1) Unless stipulated otherwise by or based on Law, the bailiff shall not have double position as trustee, guardian, and officials relating to the case in which he himself was concerned.
- (2) Bailiff must not have double position as lawyers.
- (3) The positions that should not be held by the bailiff in addition to positions as referred to in paragraph (1) and paragraph (2), shall further be provided for by the Minister of Justice based on approval Chairman of the Supreme Court.

### **Third Part**

#### **Secretary**

### **Article 44**

At every Court, the Secretariat shall be established chaired by a Secretary and assisted by a Vice Secretary.

#### **Article 45**

The Registrar of shall be cum as Court Secretary.

#### **Article 46**

To be appointed as Deputy Secretary of the District Court, a candidate must meet the following requirements:

- a. Indonesian National;
- b. Devoted to God Almighty;
- c. Loyal to Pancasila and Constitution of 1945;
- d. Certified at least under-graduate in law or under-graduate in administration;
- e. Experienced in the court administration sector.

#### **Article 47**

To be appointed as Vice Secretary of the High Court, a candidate must meet the following requirements:

- a. Conditions as referred to in Article 46 items a, b, c, and e;
- b. Graduate in Law.

#### **Article 48**

Vice Secretary of Court shall be appointed and dismissed by the Minister of Justice.

#### **Article 49**

Before commencing their position, the Vice Secretary shall have their oath or

promise administered according to their Religion or belief, reading as follows:

I swear / affirm :

"That I am, to be appointed as Vice Secretary, will be loyal and completely obedient to the Pancasila, the Constitution of 1945, the State, and Government";

"That I will obey all applicable legislation and carry out official duties entrusted to me with full devotion, awareness, and responsibility";

"That I will always uphold the honor of the state, government, and dignity as well as the Vice Secretary will always put the interests of the country on my own interest, a person or group";

"That I will hold confidential anything which by their nature or according to instructions I have kept secret";

"That I will work with an honest, orderly, meticulous, and eager for the interests of the country."

### **CHAPTER III**

### **COURT POWERS**

#### **Article 50**

District Court shall have duty and authority to examine, decide, and solve criminal cases and civil cases in the first instance.

#### **Article 51**

(1) The High Court shall have task and authority to try criminal and civil case in the appeal level.

- (2) The High Court shall also have task and authority to try in the first and final level of authority to try disputes between the District Court in its jurisdiction.

### **Article 52**

- (1) The Court may provide testimony, consideration, and advice on legal services to government agencies in its area, if requested.
- (2) Besides the task and authority as referred to in Article 50 and Article 51, the Court can be entrusted with the other task and authority by or based on Law.

### **Article 53**

- (1) The Chairman of Court shall supervise the implementation of task and behavior of Judge, Registrar, Secretary, and bailiff in its jurisdiction area.
- (2) Besides the task as referred to in paragraph (1), Chairman of the High Court in its jurisdiction shall supervise the course of justice at the District Court and ensure that justice was held carefully and appropriately.
- (3) In performing the supervision as referred to in paragraph (1) and paragraph (2), Chairman of Court may provide direction, admonition and warning if deemed necessary.
- (4) The supervision as referred to in paragraph (1), paragraph (2), and paragraph (3), may not reduce the freedom of Judge in examining and deciding the cases.

### **Article 54**

- (1) Chairman of the District Court shall supervise the work of lawyers and notaries in the area of law, and report the results of its supervision to the Chairman of

the High Court, Chairman of the Supreme Court and Minister of Justice.

- (2) Based on the results of the report in paragraph (1), Minister of Justice shall take actions against lawyers and notaries who violate the legislation that regulates the position in question, after hearing the suggestion / opinion of Chairman of Supreme Court and the relevant profession organization.
- (3) Before the Minister of Justice take actions as referred to in paragraph (2), to the concerned given the opportunity to conduct self-defense.
- (4) Procedures for monitoring and enforcement as well as self-defense as referred to in paragraph (1), paragraph (2), and paragraph (3), shall be further regulated by the Chairman of the Supreme Court and Minister of Justice based on Law.

## **CHAPTER IV OTHER PROVISIONS**

### **Article 55**

The Chairman of Court shall regulate the job description of the judge.

### **Article 56**

The chairman of Court shall distribute all case files and or other papers relating to the cases submitted to the Court to the Tribunal Judge to resolve.

### **Article 57**

Chairman of Court set the case should be judged based on Number candidacy, but if there is a particular case because it involves the public interest should be promptly brought to justice, the case was given priority.

### **Article 58**

Court Registrar in charge of organizing the administration of the case and set the duty Vice Registrar, Deputy of Registrar, and Substitute for Registrar.

### **Article 59**

Registrar, Vice Registrar, Deputy of Registrar, and Substitute for Registrar shall assist the Judge to follow and record the course of the trial Court.

### **Article 60**

In a civil case, the District Court Registrar shall exercise the Court's judgment.

### **Article 61**

- (1) The Registrar shall make a list of all civil and criminal cases received in the Registrar's Office.
- (2) In such list of case, each case was given serial number and spiked with a brief note about the contents.

### **Article 62**

The Registrar shall make the copy of judgment according to the prevailing Law.

### **Article 63**

- (1) The Registrar shall be responsible for the management of case files, decisions, document, deed, book lists, pricing case, the money entrusted third party, Marketable securities, evidence, and other documents stored in Registrar's Office.



- (2) All lists, records, minutes, news events as well as case file should not be taken out of the Registrar's Office room, except by permission of Chairman Court based on the provisions of Law.
- (3) The procedure of spending the original letter, a copy of the verdict, minutes, news events, and deed as well as other documents stipulated by the Supreme Court.

#### **Article 64**

Duties and responsibilities as well as work system of the Registrar's Office of the Court shall further be stipulated by the Supreme Court.

#### **Article 65**

- (1) Bailiff shall have tasks:
  - a. Carry out all orders given by the Chairman of Council;
  - b. Submit announcements, admonitions, protests, and notices Court decision in ways based on the provisions of Law;
  - c. Confiscated on the orders of Chairman of the District Court;
  - d. Prepare minute's foreclosure, the copy submitted to the parties concerned.
- (2) The bailiff has the authority to perform its task in the relevant Court's jurisdiction.

#### **Article 66**

Further provisions on the implementation of bailiff's tasks shall be provided for by the

Supreme Court.

#### **Article 67**

- (1) Court Secretary shall perform the general administration of Court.
- (2) The tasks as well as responsibilities, organizational structure and work system of the Secretariat shall be further regulated by the Minister of Justice.

#### **Article 68**

The provisions on law procedure applicable to the General Court shall be provided for by separate Law.

### **CHAPTER V TRANSITIONAL PROVISIONS**

#### **Article 69**

Upon effectiveness hereof, all implementing regulations already existing on General Court shall remain effective as long as the new provisions hereunder is not yet issued and as long as the regulation is not contradictory to this Law.

### **CHAPTER VI CLOSING**

#### **Article 70**

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 71**

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 : March 8, 1986

PRESIDENT OF THE REPUBLIC OF INDONESIA

*signed*

SOEHARTO

Promulgated in Jakarta

On : March 8, 1986

MINISTER / SECRETARY OF STATE

REPUBLIC OF INDONESIA

*signed*

**SUDHARMONO, S.H.**

**STATE GAZETTE OF THE REPUBLIC OF INONESIA OF 1986 NUMBER 20**

**ELUCIDATION TO**  
**LAW OF THE REPUBLIC OF INDONESIA**  
**NUMBER 2 OF 1986**  
**REGARDING**  
**GENERAL COURT**

**I. GENERAL**

1. In the Republic of Indonesia as a state law based on Pancasila and 1945 Constitution of justice, truth, certainty of law, and order the implementation of the legal system is essentials to ensure the life of society, nation, and state.

More than that, this subject is an extremely important issue in the effort to realize the atmosphere of life of a prosperous, secure, peaceful, and orderly as mandated by the Broad Outlines of State Policy. Therefore, to make it happen required the existence of institutions that dispense justice properly served. One of the institutions to uphold the truth data to achieve justice, order, and rule of law is justice agencies as referred to the Law Number 14 of 1970 on Basic Provisions for Justice's power, each of which has a scope of authority to hear cases or disputes in the field particular. For the realization of justice that is simple, fast, accurate, fair, and low cost as confirmed by the Law Number 14 of 1970, the foundation which has been based on Law Number 13 of in 1965 on the positions, organizational structure, power, work procedures, and administrative court within the

General Court, to be replaced and adjusted with the provisions of Law Number 14 of 1970.

Thus, the Law on the General Court is an implementation of the provisions and principles contained data Law Number 14 of 1970 (State Gazette Number 1970 of 74, Supplement to State Gazette Number 2951).

2. Justice power within the General Court in the Law is implemented by the District Court and High Court which culminated in the Supreme Court, According to the principles set by the Law Number 14 of 1970.

This Law regulated the composition, powers, and the position of Judge as well as administrative work procedures in the District Court and High Court. District Court is the Court of First Instance to examine, decide, and resolve criminal and civil cases seeking justice for the people in general, unless stipulated Otherwise herein.

District Court is the Court of Appeal Level to the cases decided by the District Court, and constitutes the Court of first and final level regarding the dispute of authority to try among the District Courts in its jurisdiction. In addition, according to the principle of differentiation" contained in Article 10 of the Law Number 14 of 1970, the Court in General Court is simultaneously the Court for the case of economic crime, criminal case of children, cases of road traffic violations, and other cases specified by Law. Supreme Court as the State Supreme Court shall be provided for by the separate Law.

3. Since the broad scope of duties and heavy load of work to be carried out by

the Court, then the need for great attention to procedures and implementation of administrative management Court.

It is very important, because not only related to the aspect of order in the administration both in the field case and in the field of employment, salary, rank, office equipment, and others, but also will affect the smooth operation of the judiciary itself.

Therefore, the administration of the Law Court is distinguished by type and separated the handling, although in order to coordinate accountability remains chargeable to an official, the Registrar who doubles as secretary. As Registrar she handles administrative cases and other administrative matters of a technical nature of justice (judicial).

In implementing this task, the Registrar is assisted by a Vice Registrar and several Deputy of Registrar.

As Secretary, he handles general administration such as personnel administration and so forth, in the execution of his duty he was assisted by a Deputy Secretary.

Therefore the registrar staff can better focus on the tasks and functions to help Judge in the judicial field, while other administrative tasks can be carried out by staff of the secretariat.

4. Judge shall be appointed and dismissed by the President as the Head of State at the proposal of Minister of Justice based on approval Chairman of the Supreme Court.

According to the provisions of Article 24 and Article 25 Constitution of 1945 and its explanation, as well as Law Number 14 of 1970, Justice Authority is an independent state authority to hold the judiciary to enforce the law and justice based on Pancasila, and for the sake of his country established laws of the Republic of Indonesia Court order for free in giving its decision, it should be no guarantee that neither the Court nor Judge in carrying out the task regardless of the influence of the Government and influence sharing.

In each appointment, dismissal, transfer, promotion or actions / administrative penalties against Judge General Court needs the cooperation, consultation, and coordination between the Supreme Court with the government.

In addition, the need for separate arrangements regarding allowances and other provisions for judicial officials, especially the Judge, as well as its own rank and salary is set based on existing regulations, so that judicial officials are not easily influenced both morally and materially

To further strengthen the honor and dignity as well as Court Judge, it is necessary also maintained the quality (skills), the Judge, with the holding of certain conditions to be a Judge who provided for in this Law, and needed guidance as well as possible without reducing the freedom of Judge in examining and deciding cases.

In addition to the ban also held concurrent positions attorneys Judge, Court decision executor, trustee, guardian, entrepreneurs, and every position in question with a case that will be or are being tried by it. Next copy the ban

also held the position for Registrar and bailiff.

In order for justice to work effectively, the High Court was given the task of supervision of the District Court jurisdiction.

This will improve the coordination between the District Court in a High Court legal areas that are beneficial to the people seeking justice, because the High Court in conducting surveillance can provide clues, reprimand, and warnings.

In addition, job and duty Judge may be directly supervised so that the course of justice that is simple, fast, accurate, fair, and with minor costs will be more secure.

Clues that lead to strong suspicion, that a Judge has committed a disgraceful act in the light of civility and decency, or has committed a crime, or the repeated negligence in his work, can lead to that he was not dismissed with honor by the President as the Head of State, after he was given the opportunity to defend himself. It is expressly stated in this Law, considering the lofty and noble task of Judge, while if she committed a disgraceful act in his capacity as civil servants, her remains valid threat stipulated in Government Regulation Number 30 of 1980 on Civil Service Discipline Regulations.

## **II. ARTICLE BY ARTICLE**

### **Article 1**

Self-explanatory



## Article 2

Besides the justice that apply to people seeking justice in general regarding civil and criminal cases, there is other Justice executive power which is a special justice for certain people or certain cases namely Religion court, Military court, and State administration court. What is meant by the people seeking justice is any person, Indonesian National or not, who seek justice at the Court in Indonesia.

## Article 3

Self-explanatory

## Article 4

Paragraph (1)

Basically, the domicile of the District Court is in the Municipality or in the Capital District, and its jurisdiction covers the area of Municipality / District, but not closed the possibility of exceptions.

Paragraph (2)

Self-explanatory

## Article 5

Self-explanatory

## Article 6

Self-explanatory

#### Article 7

Proposal for the establishment of the District Court shall be filed by Minister of Justice based on approval Chairman of the Supreme Court.

#### Article 8

What is meant by "held specialism" is the presence of differentiation / specialization in environmental General Court, for example Traffic Road Court, Child Court, Economic Court, while the term "provided for by the Law" is the composition, powers, and the law of procedure.

#### Article 9

Self-explanatory

#### Article 10

Self-explanatory

#### Article 11

Self-explanatory

#### Article 12

Self-explanatory

#### Article 13

Paragraph (1)

Judge is a civil servant so that his applicable Law Number 8 Of 1974 on the Principles of Civil Service. Therefore, Minister of Justice shall conduct

guidance and supervision of the Judge in order to achieve efficiency and effectiveness as the case for civil servants.

Paragraph (2)

Self-explanatory

Article 14

Self-explanatory

Article 15

Self-explanatory

Article 16

Self-explanatory

Article 17

Paragraph (1)

At the time of taking oath pronounced certain words according to their respective religion, for example, to adherents of the Islamic Religion "By God" before pronouncing an oath and for the Christian/Catholic the words 'hope the God will help me' after the oath pronouncement.

Paragraph (2)

Self-explanatory

Paragraph (3)

Self-explanatory

Paragraph (4)

Self-explanatory

Article 18

Self-explanatory

Article 19

Paragraph (1)

Honorable dismissal of the Court Judge at his own request, shall cover the definition of resignation at reason that the relevant Judge failed to enforce environmental law of his own domestic. Principally the situation, conditions, atmosphere, and regularity of living in the household of each Judge Court is one factor important role in helping improve the image and prestige of a Judge's own. The term "physical pain or spiritual continuous" means that cause the patient was no longer able to perform his obligations properly. The definition of "incompetent" shall mean for example the relevant party makes a lot of big mistakes in carrying out his duties.

Paragraph (2)

Self-explanatory

## Article 20

### Paragraph (1)

The term "imprisoned" shall mean imprisoned for at least 3 (three) months.

By "committing immoral acts" shall mean if the relevant Judge due to his attitudes, actions, and deed both inside and outside the Court degrading the Judge treatment. By "job assignment" shall mean all the tasks assigned to the relevant party.

### Paragraph (2)

In the case of dishonorable dismissal at reason of imprisonment due to committing crime, the relevant party will not be given the opportunity to defend himself, unless the sentenced handed down to him was less than 3 (three) months.

### Paragraph (3)

Self-explanatory

## Article 21

A Judge should not be dismissed from his position as a civil servant before dismissed from his position as Judge. According to legislation in the staffing field, Judge not position in the executive field. Therefore, dismissal should not the same as other civil servants.

## Article 22

Self-explanatory

## Article 23

Self-explanatory

## Article 24

Self-explanatory

## Article 25

Paragraph (1)

Self-explanatory

Paragraph (2)

Rank and salary of Judge shall be regulated separately based on the prevailing regulation. By other provisions shall mean any matters that, among others, relating to the welfare such as the home office, and official vehicles.

## Article 26

Self-explanatory

## Article 27

Self-explanatory

## Article 28

By "Under-graduate in Law" shall include those who have reached the level of legal education equal to the under-graduate, and is considered competent for the job. The period of experience tailored to the echelon, rank, and other

relevant conditions. Transfer of positions from the High Court to the District Court or vice versa is possible in the same echelon.

#### Article 29

Same as the elucidation to experience period in Article 28.

#### Article 30

Same as the elucidation to Article 29.

#### Article 31

Self-explanatory

#### Article 32

Self-explanatory

#### Article 33

Self-explanatory

#### Article 34

Self-explanatory

#### Article 35

Self-explanatory

#### Article 36

This provision shall also apply to the Vice Registrar, Deputy of Registrar, and Substitute for Registrar.

#### Article 37

The appointment or dismissal of Registrar, Vice Registrar, Deputy of Registrar, and Substitute for Registrar may also be based on proposals of the relevant Court Chairman.

#### Article 38

Same as the elucidation to Article 17 paragraph (1).

#### Article 39

Self-explanatory

#### Article 40

Self-explanatory

#### Article 41

Self-explanatory

#### Article 42

Same as the elucidation to Article 17 paragraph (1).

#### Article 43

Self-explanatory

#### Article 44

Self-explanatory



Article 45

Self-explanatory

Article 46

Self-explanatory

Article 47

Self-explanatory

Article 48

The appointment or dismissal of Vice Secretary of Court can also be done based on the proposal of Chairman or Court or head of Territorial Office of relevant Ministry of Justice.

Article 49

Same as the elucidation to Article 17 paragraph (1).

Article 50

Self-explanatory

Article 51

Self-explanatory

Article 52

Paragraph (1)

Provision of information, consideration, and advice about the law, shall be

excluded in any matters relating to the case which is being or will be examined in Court.

Paragraph (2)

Self-explanatory

Article 53

Paragraph (1)

Self-explanatory

Paragraph (2)

By "thorough and reasonable" shall mean among others that the administration of justice must be done according to the provisions of Law Number 14 of 1970 namely done fast, simple, and with cost.

Paragraph (3)

Self-explanatory

Paragraph (4)

Self-explanatory

Article 54

Self-explanatory

Article 55

Self-explanatory

Article 56

Self-explanatory

Article 57

Competent to determine that a case involving the public interest is Chairman of Court.

Article 58

Self-explanatory

Article 59

Based on the record of Registrar, the minutes of the hearing shall be prepared.

Article 60

Self-explanatory

Article 61

Self-explanatory

Article 62

Self-explanatory

Article 63

Paragraph (1)

Self-explanatory

Paragraph (2)

By "taken out" shall cover all forms and in any way that removes the content of list, notes, minutes, news events as well as the case file, so do not fall into the hands of unauthorized parties.

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