

TRANSLATION

THE MINISTER FOR JUSTICE AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA

DECREE OF THE MINISTER FOR JUSTICE AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA
NUMBER: M-01.HL.01-10 OF THE YEAR 2003

CONCERNING

THE IMPLEMENTING DIRECTIVES ON THE RE-REGISTRATION,
REGISTRATION OF ESTABLISHMENT, REGISTRATION OF AMENDMENTS TO
THE DEED OF ESTABLISHMENT AND STANDING ORDERS, NAME, SYMBOL,
LOGO, EXECUTIVE BOARD AT NATIONAL LEVEL, AND THE DISSOLUTION
AND AMALGAMATION OF POLITICAL PARTIES.

THE MINISTER FOR JUSTICE AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA

- Considering :
- That in the context of implementing the provisions of Article 2, Article 3, Article 4, Article 5, Article 13, Article 19, Article 22 and Article 29 of Law Number 31 of 2002 concerning Political Parties, it is necessary to issue a decree of the Minister for Justice and Human Rights of the Republic of Indonesia regarding the Implementing Directives on the Re-Registration, Registration of Establishment, Registration of Amendments to the Deed of Establishment and Standing Orders, Name, Symbol, Logo, Executive Board at National Level, and on the Dissolution and Amalgamation of Political Parties;
- Observing :
1. The Law Number 31 of 2002 concerning Political Parties (State Gazette of the Republic of Indonesia of 2002 Number 138, Supplement of the State Gazette of the Republic of Indonesia Number 4251);
 2. The Decree of the President of the Republic of Indonesia Number 165 of 2002 regarding the Position, Duties, Functions, Organizational Composition and Work Procedure of the Ministry;
 3. The Decree of the Minister for Justice and Human Rights Number M.01-PR.07.10 of 2001 regarding the Organization and Work Procedure of the Ministry of Justice and Human Rights of the Republic of Indonesia;

DECREES:

- To enact : THE DECREE OF THE MINISTER FOR JUSTICE AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA CONCERNING THE IMPLEMENTING DIRECTIVES ON THE RE-REGISTRATION, REGISTRATION OF ESTABLISHMENT, REGISTRATION OF AMENDMENTS TO THE DEED OF ESTABLISHMENT AND STANDING ORDERS, NAME, SYMBOL, LOGO, EXECUTIVE BOARD AT NATIONAL LEVEL, AND ON THE DISSOLUTION AND AMALGAMATION OF POLITICAL PARTIES.
- FIRSTLY : To enact the Implementing Directives on the Re-Registration, Registration of Establishment, Registration of Amendment to the Deed of Establishment and Standing Orders, Name, Symbol, Logo, Executive Board at National Level, and on the Dissolution and Amalgamation Of Political Parties as meant in the Attachment hereof.
- SECONDLY : Upon the coming into effect of this decree, the decree of the Minister for Justice and Human Rights of the Republic of Indonesia Number : M-03.HT.01.10 of 2002 regarding the Procedure for the Registration of Establishment of Political Parties shall cease to be in effect.
- THIRDLY : This decree shall take effect upon its enactment.

Enacted in Jakarta
On : 27 March 2003

THE MINISTER FOR JUSTICE AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA

(signed and sealed)

PROF. DR. YUSRIL IHZA MAHENDRA

ATTACHMENT TO THE DECREE OF THE MINISTER FOR JUSTICE AND
HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA

NUMBER : M-01.HL.01.10 OF THE YEAR 2003
DATE : 27 MARCH 2003

THE IMPLEMENTING DIRECTIVES ON THE RE-REGISTRATION,
REGISTRATION OF ESTABLISHMENT, REGISTRATION OF AMENDMENTS TO
THE DEED OF ESTABLISHMENT AND STANDING ORDERS, NAME, SYMBOL
AND LOGO, ON THE EXECUTIVE BOARD AT NATIONAL LEVEL AND ON THE
DISSOLUTION AND AMALGAMATION OF POLITICAL PARTIES.

I. INTRODUCTION

On 27 December 2002 the Law Number 31 of 2002 has been enacted concerning Political Parties in replacement of the Law Number 2 of 1999 concerning Political Parties. Under Article 3 of the Law Number 31 of 2002 concerning Political Parties, the Ministry of Justice and Human Rights of the Republic of Indonesia is empowered to undertake the registration of establishment and the validation of political parties as legal entities with respect to those political parties which have met the requirements as meant by Article 2 of the said Law.

During the effect of the Law Number 2 of 1999 concerning Political Parties, 237 political parties had been registered, which may be classified as follows:

- 1) 148 political parties had been registered and validated prior to the 1999 elections, detailed as follows:
 - 7 political parties failed to fulfill the requirements to be registered at the Ministry of Justice and Human Rights;
 - 141 political parties fulfilled the requirements to be registered at the Ministry of Justice and Human Rights. From those 141 political parties, 48 were eligible to contest the 1999 elections.
- 2) 89 political parties have been registered at the Ministry of Justice and Human Rights from the year 2000 until the end of December 2002.
- 3) 1 political party dissolved itself and changed its name.
- 4) Under the Law Number 12 of 2003 concerning the General Elections of the Members to the People's Representative Council, the Regional Representative Council and the Regional People's Representative Council, from the 48 political parties contesting the 1999 elections, 6 fulfilled the electoral threshold requirement whereas 42 political parties did not.

Thus, the political parties which have been registered and validated as legal entities by the Ministry of Justice and Human Rights pursuant to the Law No. 2 of 1999 amounted to 229. Law Number 31 of 2002 prescribes that the 229 political parties are required to conform to the provisions of the Law Number 31 of 2002 by undertaking a re-registration. The obligation to re-register is made due to the introduction of a new requirement stipulated in the Law Number 31 of 2002.

Based on the above matters, Implementing Directives are necessary to regulate the Re-Registration, Registration of Establishment, Registration of Amendment(s) to the Deed of Establishment and Standing Orders, Name, Symbol, Logo, Executive Board at National Level and the Dissolution and Amalgamation of Political Parties.

II. PURPOSES AND OBJECTIVES

These Implementing Directives are drawn up with the purpose of simplifying and facilitating the registration procedure and validation of the political parties as legal entities through clear-cut stages.

These implementing directives shall serve as guidelines by the implementing agents in the conduct of the re-registration and validation of the political parties as legal entities. Furthermore, these implementing directives also provide terms of reference to the political parties in entering the process of registration and validation as legal entities.

III. LEGAL GROUND

The legal ground for the registration and validation of the establishment of political parties are Articles 2, 3, 4, 5, 13, 19, 22 and 29 of the Law Number 31 of 2002 concerning Political Parties.

IV. REGISTRATION OF POLITICAL PARTIES

A. RE-REGISTRATION

Political parties which have been registered and validated as legal entities by the Ministry of Justice and Human Rights pursuant to the Law Number 2 of 1999 concerning Political Parties must re-register in order to conform with the requirements prescribed by the Law Number 31 of 2003.

Re-registration of those political parties is effected by filing an application form made available for such purpose (Attachment 1) accompanied by:

- a. An application letter for re-registration on party letterhead addressed to the Minister for Justice and Human Rights of the Republic of

- Indonesia in this matter the Director General for General Legal Administration.
- b. A copy of the Announcement of the Minister for Justice and Human Rights regarding the validation of the establishment of the political party, certified by a notary public or by the Ministry of Justice and Human Rights (and producing the original).
 - c. A copy of the State Gazette of the Republic of Indonesia setting out the Announcement of the Minister for Justice and Human Rights of the Republic of Indonesia regarding the validation of the establishment of the political party concerned (and producing the original)
 - d. The notarial deed setting out the articles of association and standing orders accompanied by the composition of the executive board at national level of the political party. The composition of the executive board may be included in the said notarial deed or alternatively submitted separately in which case evidence must be provided by way of a Letter of Decision of the respective Central Committee of the Political Party (or a notarized copy thereof).
 - e. Existence of executive boards in at least 50% (fifty per cent) of the total number of provinces, 50% (fifty per cent) of the total number of *kabupaten/kota* (regencies/municipalities) within the respective provinces, and 25% (twenty-five per cent) of the total number of *kecamatan* (districts) within the respective *kabupaten/kota*.

By executive board is meant herein the executive board in accordance with the articles of association/standing orders of the political party. Such requirement is evidenced by the Letter of Decision of the respective Central Committee for the management by the Regional Committee at provincial level, a Letter of Decision of the respective provincial Regional Committee for the management by the Regional Committee at *kabupaten/kota* level, and a Letter of Decision of the respective Regional Committee at *kabupaten/kota* level for the management at *kecamatan* level (photocopies thereof certified by the respective Central Committee or from the executive board of the respective Central Committee of each political party pursuant to the provisions of the articles of association and standing orders. The terminology of executive board is made to conform with the articles of association and standing orders of the respective political parties.

What is meant by at least 50% of the total number of provinces, at least 50% of the total number of *kabupaten/kota* and at least 25% of the total number of *kecamatan* in each of the *kabupaten/kota* concerned is the outcome of computation by rounding up the figures. By way of example, if there are 30 provinces existing in Indonesia, then 50% thereof will be 15. If one province covers 7 (seven)

kabupaten/kota, then 50% thereof will be 4 (four) *kabupaten/kota* (rounding up). Furthermore, if one *kabupaten/kota* covers 10 *kecamatan*, then 25% thereof will be 3 *kecamatan* (rounding up). The *kabupaten/kota administratif* within the territory of the Special Capital City of Jakarta (DKI Jakarta) stands at the same level as the *kabupaten/kota* in other provinces.

- f. Name, symbol and logo of political parties. The name, symbol, and logo of a political party shall not resemble in its substance or in its entirety with the name, symbol and logo of another political party.

Having a name, symbol and logo which resemble in substance with those of other parties refers to similarities which evidently stand out as fostering the impression of resemblance, whether in form, layout, inscription, color or a combination of elements featured in the name, symbol and logo of another political party.

In the event there are political parties bearing resemblance in substance with the name, symbol and logo of another political party, matters are settled as follows:

- 1) if there is resemblance in substance with the name, symbol and logo between a political party which registered after the 1999 elections and a political party which had registered prior to the 1999 elections, then the party registering after the 1999 elections shall be required to change its name, symbol and logo.
- 2) if there is resemblance in substance with the name, symbol and logo between political parties which registered after the 1999 elections, then the political party which registered later shall be required to change its name, symbol and logo. If the date and day of registration are the same, then the time the registration application is submitted shall be the determining factor.
- 3) if there is resemblance in substance with the name, symbol and logo between a political party which fulfils the electoral threshold requirement and a political party which does not fulfill such requirement, then the political party not fulfilling such requirement shall be required to change its name, symbol and logo.
- 4) if there is resemblance in substance with the name, symbol and logo between a political party which did not contest the 1999 elections and a political party which does not fulfill the electoral threshold requirement, then the party not contesting in the 1999 elections is required to change its name, symbol and logo.
- 5) if there is resemblance in substance with the name, symbol and logo between political parties which do not fulfill the electoral threshold requirement, then priority is given to the party which

registers first and has fulfilled all the requirements of the Law Number 31 of 2002.

- 6) if there is resemblance in substance with the name, symbol and logo between political parties which register after the 1999 elections, then priority is given to the party which registers first and has fulfilled all the requirements of the Law Number 31 of 2002.
- 7) If a political party which does not fulfill the electoral threshold requirement and which does not re-register pursuant to the provision of the Law Number 31 of 2002 assigns its name, symbol and logo to another political party which registers after the 1999 elections and features substantial resemblance in name, symbol and logo with another political party which contested the 1999 elections, then priority is given to the political party which contested the 1999 elections.
- 8) If a political party which does not re-register pursuant to the Law Number 31 of 2002 and assigns its name, symbol and logo to another political party which is registered after the 1999 elections, then priority is given to the political party which contested the 1999 elections.

In addition, political parties are also prohibited from adopting a name, symbol and logo which are the same as:

- 1) the flag or the symbol of the Republic of Indonesia.
The symbol of the Republic of Indonesia referred to is the *Garuda Pancasila* bird with the slogan of *Bhinneka Tunggal Ika*. The use of a part of the logo/symbol featured in the state symbol is not covered by this provision.
- 2) Symbol of state institutions or symbol of Government.
The state institution symbol referred to that of state institutions which are written in the Constitution of 1945 of the Indonesian State and in other legislations and regulations. These include: the symbols of the People's Assembly, the People's Consultative Council, the Regional Representatives, the President, the State Audit Board, the Supreme Court, the Constitutional Court.
Government symbols are symbols of government organs such as ministries, non-ministerial government institutions, and regional governments.
- 3) The name, flag or state symbol of other states and the name, flag of symbol of international agencies/bodies.
- 4) The name and picture of a person.
- 5) Those which bear resemblance in substance or in the entirety of another political party.

Political parties shall also be prohibited from embracing, developing and disseminating the teachings or the ideology of communism/Marxism-Leninism.

By the ideology of communism/Marxism-Leninism is meant the ideology banned by the Decree of the MPRS Number XXV/MPRS/1996.

g. A permanent office.

Having a permanent office means a clear address of the secretariat as evidenced by a valid document; this requirement applies to offices from the central level down to the *kabupaten/kota* level. This requirement for permanent office must be evidenced by a certificate of domicile from the local head of district (*camat*) or head of sub-district (*lurah*) or head of village. Offices at provincial and *kabupaten/kota* levels must hold valid documents regarding the offices concerned. If the secretariat/office occupies rented premises, then the lease must be attached. The office of the executive board at district/village/sub-district level may occupy the building/residence of a member of the executive board or member of the party concerned.

The completed dossier on the re-registration of political parties will be examined and inspected by the Team for the Re-registration of Political Parties formed by decree of the Minister for Justice and Human Rights Number: M.02.PR.09.02 of 2003 dated 22 January 2003.

The tasks of the Team for the Re-registration of Political Parties are to examine and to inspect, on an administrative level as well as on a substantial level the dossier of application for re-registration of the political parties. The Team for the Re-registration of Political Parties has the authority to determine whether or not further verification is required on such application for re-registration.

The dossier on the application for re-registration of political parties which is declared eligible by way of administration as well as substance shall be transmitted to the Team for the Verification of Political Parties which is formed by decree of the Minister for Justice and Human Rights Number: M.03.PR.09.03 of 2003 dated 22 January 2003. The task of this verification team is to check the verity of the data submitted to the Ministry of Justice and Human Rights. Following the conduct of verification, and upon establishment that the data given to the Ministry of Justice are true and in conformity with the requirements prescribed by the Law Number 31 of 2002, a decree of the Minister for Justice and Human Rights will be drafted on the validation of the re-registration of the political party for signing by the Minister for Justice and Human Rights.

Upon signing by the Minister for Justice and Human Rights, the decree will be conveyed to the State Printers for announcement in the State Gazette of the Republic of Indonesia.

A decree will also be drafted for signing by the Minister for Justice and Human Rights regarding the refusal to validate the re-registration of political parties whose applications for re-registration do not fulfill the requirements, and will be conveyed to the relevant applicant.

B. REGISTRATION FOR THE ESTABLISHMENT/FORMATION OF A POLITICAL PARTY.

The establishment/formation of a (new) political party is effected by filling in and submission of an application form designed for such purpose (Attachment 7) after fulfillment of the formal and substantial prerequisites.

The formal prerequisites for the establishment/formation of a (new) political party are as follows:

- a. The party must be formed by at least 50 (fifty) citizens of the Republic of Indonesia aged 21 (twenty-one years) and over, by notarial deed;
- b. The notarial deed as referred to in point a must also include the articles of association and the standing orders, accompanied by the executive board structure of the political party at national level;
- c. The executive board at national level shall be domiciled at the state capital;
Domicile at the state capital means seated in DKI Jakarta, City of Bogor, City of Depok, City of Tangerang or City of Bekasi.
- d. The party must be registered at the Directorate General for General Legal Administration of the Ministry of Justice and Human Rights of the Republic of Indonesia by attaching:
 - 1) the notarial deed of establishment of the political party in accordance with the State Constitution of 1945 of the Republic of Indonesia and other legislation and regulations;
 - 2) the executive boards in at least 50% (fifty per cent) of the total number of provinces, 50% (fifty per cent) of the total number of *kabupaten/kota* in the respective provinces and 25% (twenty-five per cent) of the total number of *kecamatan* in the respective *kabupaten/kota*;
 - 3) its name, symbol, and logo which bears no resemblance in substance or in its entirety with the name, symbol and logo of another party;
 - 4) a permanent office address as evidenced by a certificate of domicile from the local head of the district/sub-district/village and valid documents of such office.

e. Announcement in the State Gazette of the Republic of Indonesia.

The substantial prerequisites for the establishment/formation of a political party are as follows:

- 1) The ideology of the political party shall not contravene the ideology of *Pancasila* and the 1945 Constitution of the Republic of Indonesia; Consistence with the 1945 Constitution means that the establishment, articles of association/standing orders, objectives, purposes, principles, agenda and struggle of the political party do not contravene the 1945 Constitution and the prevailing laws and regulations.
- 2) It holds characteristic principles in accordance with its wishes and sentiments which do not contravene the ideology of *Pancasila*, the 1945 Constitution of the Republic of Indonesia and the laws.
- 3) Membership of a political party shall be voluntary, open and shall not discriminate against any citizen of the Republic of Indonesia who agrees to the articles of association and standing orders of the party concerned.
- 4) A political party shall not adopt a name, symbol or logo which is similar to the flag or symbol of the state of the Republic of Indonesia; with the symbol of a state or government institution; with a name, flag or symbol of another country and with the name, flag and symbol of an international institution/body; with the name or picture of a person, and with the name, symbol and logo which bear resemblance in substance and in its entirety with any existing political party.
- 5) A political party is required to maintain and defend the integrity of the Unitary State of the Republic of Indonesia.

C. AMENDMENTS TO THE ARTICLES OF ASSOCIATION AND STANDING ORDERS, NAME, SYMBOL AND LOGO OF A POLITICAL PARTY.

Amendments to the articles of association and standing orders, name, symbol and logo of a political party shall be registered at the Directorate General for General Legal Administration of the Ministry of Justice and Human Rights of the Republic of Indonesia.

The registration of the amendment(s) to the articles of association and standing orders shall be submitted in writing to the Director General for General Legal Administration of the Ministry of Justice and Human Rights of the RI to which are attached:

- a) The notarial deed concerning the amendment to the articles of association and the standing orders;
- b) The name, symbol and logo of the political party as changed.

The Minister for Justice and Human Rights shall issue a decree concerning the amendment to the articles of association and standing orders, the name, symbol and logo of the political party for announcement in the State Gazette of the Republic of Indonesia.

D. CHANGES IN THE COMPOSITION IN THE EXECUTIVE BOARD AT NATIONAL LEVEL.

Changes in the composition of the executive board at national level shall be registered at the Ministry of Justice and Human Rights 7 (seven) days at the earliest and 30 (thirty) days at the latest as from the date the change to the executive board occurs.

Registration of the change in the composition of the executive board shall be submitted in writing by attaching the outcome of the national consensus or congress or consultative fora of the political party authorized therefore according to the articles of association and standing orders of the political party concerned and with the decree concerning such change in the board. The Minister for Justice and Human Rights shall issue a decree on the registration of the new executive board at the latest 7 (seven) days from the time the requirements for registration are fully received.

V. DISSOLUTION AND AMALGAMATION OF POLITICAL PARTIES.

The dissolution and amalgamation of political parties shall be notified to the Ministry of Justice and Human Rights for announcement in the State Gazette of the Republic of Indonesia.

Notification of the dissolution of a political party shall be accompanied by:

- The decision for dissolution if the political party concerned does so on its own accord;
- The decision/evidence of amalgamation with another political party if the said political party merges with another political party;
- The decree of the Constitutional Court if the said political party is dissolved by the Constitutional Court.

The amalgamation of political parties under a new name, symbol and logo is subject to the provisions regulating the establishment/formation of a (new) political party.

The amalgamation of political parties by using the name, symbol and logo of one of the existing political parties only require notification thereof to the Ministry of Justice and Human Rights for announcement in the State Gazette of the Republic of Indonesia.

VI. DUTIES AND OBLIGATIONS OF THE DIRECTORATE-GENERAL FOR GENERAL LEGAL ADMINISTRATION.

A. RE-REGISTRATION OF POLITICAL PARTIES:

The re-registration of political parties is carried out by the Team for the Re-registration of Political Parties with the following duties and obligations:

- 1) To receive the application dossier for re-registration of the political parties;
- 2) To examine and to inspect the administrative fulfillment of the dossier for the application of re-registration of the political parties, which include:
 - b. The application for re-registration on party letterhead addressed to the Minister for Justice and Human Rights of the RI in this matter the Director-General for General Legal Administration.
 - c. A photocopy of the Announcement by the Minister for Justice and Human Rights regarding the validation of the establishment of the political party, certified by a notary or by the Ministry of Justice and Human Rights.
 - d. A photocopy of the State Gazette of the Republic of Indonesia which sets out the Announcement of the Minister for Justice and Human Rights regarding the validation of the establishment of the political party concerned (the original must be produced before the registration committee).
 - e. The notarial deed which sets out the articles of association and standing orders accompanied by the composition of the executive body at national level, which may be an integral part of the deed or conveyed separately from the said deed. If given separately, it has to be supported by evidence of the Letter of Decision of the respective Central Committee (the original or a copy thereof certified by the notary).
 - f. Executive boards in at least 50% (fifty per cent) of the total number of provinces, 50% (fifty per cent) of the total number of *kabupaten/kota* in the respective provinces, and 25% (twenty-five) per cent of the total number of *kecamatan* in the respective *kabupaten/kota*.
 - g. The name, symbol and logo of political party. The name, symbol and logo of the political party must not resemble in substance and in its entirety with the name, symbol and logo of another political party.
 - h. The permanent office address, as evidenced by a certificate of domicile from the local head of district/sub-district/village.
- 3) To issue a provisional receipt for the incomplete dossier of re-registration of a political party (Attachment-2);
- 4) To notify the applicant of the missing administrative prerequisites for due fulfillment;
- 5) To issue a receipt as evidence that a political party has fulfilled all the prerequisites previously incomplete (Attachment 3);
- 6) To issue a receipt for an application of re-registration which is duly completed; (Attachment-4);

- 7) To enter in the register for application of re-registration of political parties, covering:
 - a. the name of the applicant/the proxy;
 - b. time and date of application;
 - c. names of the executives/central leaders of the political parties;
 - d. the name of the political party;
 - e. the address of the permanent secretariat of the political party;
- 8) To transmit the completed dossier on the application for re-registration to the Team for the Re-registration of Political Parties;
- 9) To examine and to inspect the due fulfillment of the administrative and substantial prerequisites;
- 10) To transmit the dossier of application for re-registration which is considered complete to the Team for the Verification of Political Parties for direct verification by the Team on the verity of data submitted to the Ministry of Justice and Human Rights;
- 11) To receive the outcome of the verification from the Team for the Verification of Political Parties;
- 12) To draft a letter of the Minister for Justice and Human Rights regarding the validation of the re-registration of political parties (which fulfill the prerequisites) and refusal for re-registration of political parties (which do not fulfill the prerequisites);
- 13) To draft a letter addressed to *PT Percetakan Negara* (the States Printers) to publish the letter of the Minister for Justice and Human Rights regarding the validation of the re-registration of political parties in the State Gazette of the Republic of Indonesia;
- 14) To draft a letter addressed to political parties which are refused validation by the Minister for Justice and Human Rights.

B. REGISTRATION OF THE ESTABLISHMENT / FORMATION OF POLITICAL PARTIES.

- 1) To receive the dossier for application for the registration of the establishment/formation of political party;
- 2) To examine and to inspect the due completion of administrative prerequisites on the dossier of application for registration of the establishment/formation of political party, which cover:
 - a. The notarial deed which sets out the establishment, the articles of association and the standing orders accompanied with the composition of the executive board at national level.
 - b. Executive boards in at least 50% (fifty per cent) of the total number of provinces, 50% (fifty per cent) of the total number of *kabupaten/kota* in the respective provinces, and 25% (twenty-five) per cent of the total number of *kecamatan* in the respective *kabupaten/kota*.
 - c. The name, symbol and logo of political party.

- d. The permanent office address, as evidenced by a certificate of domicile from the local head of district/sub-district/village and the valid documents relating to such office.
- 3) To issue a provisional receipt for the incomplete dossier of registration of the establishment/formation of a political party (Attachment 8);
- 4) To notify the applicant of the missing administrative prerequisites for due fulfillment;
- 5) To issue a receipt as evidence that a political party has fulfilled all the prerequisites previously incomplete (Attachment 9);
- 6) To issue a receipt for an application of registration of the establishment/formation which is duly completed; (Attachment 10);
- 7) To enter in the register for application of registration of the establishment/formation of political parties, covering:
 - a. the name of the applicant/the proxy;
 - b. time and date of application;
 - c. names of the executives/central leaders of the political parties;
 - d. the name of the political party;
 - e. the address of the permanent office of the political party;
- 8) To process the dossier of application for registration of the completed dossier on the establishment/formation;
- 9) To examine and to inspect the due fulfillment of the administrative and substantial prerequisites;
- 10) To conduct verification on the dossier of application which is considered completed in order to examine and inspect the verity of data conveyed to the Ministry of Justice and Human Rights;
- 11) To prepare the draft letter of the Minister for Justice and Human Rights regarding the validation of the registration of the establishment/formation of political parties (which fulfill the prerequisites) and refusal for registration of the establishment/formation of political parties (which do not fulfill the prerequisites);
- 12) To draft a letter addressed to *PT Percetakan Negara* to publish the letter of the Minister for Justice and Human Rights regarding the validation of the registration of the establishment/formation of political parties in the State Gazette of the Republic of Indonesia;
- 13) To draft a letter addressed to political parties which are declined validation by the Minister for Justice and Human Rights.

C. AMENDMENT TO THE ARTICLES OF ASSOCIATION AND STANDING ORDERS, NAME, SYMBOL AND LOGO OF POLITICAL PARTIES.

- 1) To receive the dossier of application for the registration of amendments to the articles of association and standing orders, name, symbol and logo of political parties;

- 2) To examine and to inspect the due completion of administrative prerequisites on the dossier of application for amendments to the articles of association and standing orders, name, symbol and logo of the political party, which cover:
 - a. The notarial deed which sets out the amendment(s) to the articles of association and the standing orders of the political party;
 - b. The name, symbol and logo of political party as changed.
- 3) To issue a receipt for the application for the amendment(s) to the articles of association and standing orders, name, symbol and logo of the political party;
- 4) To enter in the register for applications of amendment(s) to the articles of association and standing orders, name, symbol and logo of the political party, covering:
 - a. the name of the applicant/the proxy;
 - b. time and date of application;
 - c. the address of the secretariat of the political party;
 - d. the name and the symbol of the political party;
- 5) To process the dossier of application for amendments to the articles of association and standing orders, name, symbol and logo of the political party which is duly completed;
- 6) To prepare the draft letter of the Minister for Justice and Human Rights regarding the amendments to the articles of association and standing orders, name, symbol and logo of the political party;
- 7) To draft a letter addressed to *PT Percetakan Negara* to publish the letter of the Minister for Justice and Human Rights regarding the amendments to the articles of association and standing orders, name, symbol and logo of the political party;

D. CHANGES TO THE COMPOSITION OF THE EXECUTIVE BOARD OF THE POLITICAL PARTY AT NATIONAL LEVEL.

- 1) To receive the dossier of application for changes in the executive board of the political party;
- 2) To examine and to inspect the administrative fulfillment of the dossier of application for changes in the executive board of the political party in the form of a letter of decision concerning the changes in the executive board;
- 3) To issue a receipt for the application for changes in the executive board of the political party;
- 4) To enter in the register for application for changes in the executive board of the political party, covering:
 - a. the name of the applicant/his proxy;
 - b. the time and date of application;
 - c. the address of the secretariat of the political party;

- 5) To process the dossier of application for changes in the executive boards;
- 6) To draft a letter of the Minister for Justice and Human Rights on the change(s) in the executive boards of the political parties.

B. DISSOLUTION AND AMALGAMATION OF POLITICAL PARTIES:

- 1) To receive the dossier of application for the dissolution and amalgamation of political parties;
- 2) To examine and to inspect the administrative fulfillment of the dossier of application for the dissolution and amalgamation of political party;
- 3) To issue a receipt for the application for the dissolution and amalgamation of political parties;
- 4) To enter in the register for applications of the dissolutions and amalgamations of political parties, covering:
 - a. the name of applicant/his proxy
 - b. the time and date of application;
 - c. the permanent address of the secretariat of the political party;
- 5) To draft a letter of the Minister for Justice and Human Rights regarding the dissolution and amalgamation of political parties;
- 6) To draft a letter addressed to *PT Peretakan Negara* to publish the letter of the Minister for Justice and Human Rights regarding the dissolution and amalgamation of political parties in the State Gazette of the Republic of Indonesia.

VII. VERIFICATION

As stated above, a political party which has fulfilled the prerequisites as stipulated in the Law Number 31 of 2002 will be subject to a verification to examine and inspect the verity of the data (requirements) as submitted to the Ministry of Justice and Human Rights.

Verification as used herein has 2 (two) meanings, namely:

- A. Verification for the re-registration of the political parties;
- B. Verification for the registration of (new) political (parties)

A. VERIFICATION ON THE RE-REGISTRATION OF POLITICAL PARTIES.

What is meant by the verification of the re-registration of political parties is the verification conducted by the Minister for Justice and Human Rights of the notarial deed, the Announcement by the Minister for Justice and Human Rights, the State Gazette of the Republic of Indonesia, of the executive board, the permanent office address and domicile, and of the valid documents relevant to the permanent office of

the political party whose existence is validated by virtue of the Law Number 2 of 1999 and which, pursuant to Article 29 of the Law Number 31 of 2002 the political party is required to conform with the Law Number 31 of 2002.

Verification of the re-registration of political parties is conducted by the Verification Team at Central Level formed based on the Decree of the Minister for Justice and Human Rights Number: M-03.PR.09.03 of 2003 and by the Verification Team at Regional Level formed by the decree of the Head of the Regional Office of the Ministry of Justice and Human Rights for each province.

The verification of re-registration of political parties covers the examination on the verity of:

- a) The notarial deed;
- b) The Announcement of the Minister for Justice and Human Rights concerning the validation of the establishment of political parties;
- c) The State Gazette of the Republic of Indonesia which sets forth the Announcement of the Minister for Justice and Human Rights concerning the validation of the establishment of the political parties;
- d) The executive board and permanent domicile of the political parties;
- e) Valid documents related to the permanent office of the political party.

Verification on the executive board involves the matching of the letter of decisions of each political party with the facts in the field. Similarly, the permanent domicile of the political party must be checked against the certificate of domicile issued by the local head of district/sub-district/village.

Having a permanent office means the existence of a clear secretariat address as evidenced by valid documents and this requirement is applicable to all levels from central to *kabupaten/kota* level. This permanent office requirement must be evidenced by a certificate of domicile issued by the local head of district/sub-district/village. With respect to offices at provincial level and *kabupaten/kota* level valid documents regarding such office must be available. For instance, in case of leased premises, evidence of lease (rent) of such office/secretariat must be in evidence. Office of the executive board at *kecamatan/desa/kelurahan* level may occupy the building/residence of an executive or party member concerned with no documentary evidence required to be shown. At *kecamatan* level, notification of its permanent office address will suffice.

Verification of the re-registration of political parties is conducted upon the completion of the data submitted by the re-registering political party as prescribed by the Law Number 31 of 2002, specifically regarding the

existence of executive boards in at least 50% (fifty per cent) of the total existing provinces, in 50% (fifty per cent) of the total number of *kabupaten/kota* in the respective provinces and in 25% (twenty per cent) of the total number of *kecamatan* in the respective *kabupaten/kota*.

The conduct of verification on political parties will be notified through the respective Verification Team of Political Parties at Regional Level. (Attachments 13 and 14).

The verification on re-registration of political parties will be conducted within a period of 9 (nine) months from 27 December 2002 through 27 September 2003.

B. VERIFICATION OF REGISTRATION OF (NEW) POLITICAL PARTIES.

Verification of the registration of political parties means the verification conducted by the Ministry of Justice and Human Rights on the executive board, permanent office address and domicile and validity of documents related to the permanent office of the political parties based on the Law Number 31 of 2002.

The verification of registration of (new) political parties is conducted by the Directorate General for General Legal Administration and the Regional Office of the Ministry of Justice and Human Rights.

The verification of the registration of political parties covers:

- a. The executive board of the political parties;
- b. The permanent office address and domicile of the political parties;
- c. The validity of documents related to the permanent office of the political parties.

Verification of the registration of political parties is conducted upon completion of the data submitted by the registering political party concerned in accordance with the requirement prescribed by the Law Number 31 of 2002.

The verifying official shall fill in an Official Report on the Verification of Political Party as made available (Attachment 12).

C. THE TASKS OF THE VERIFICATION TEAM AT CENTRAL LEVEL IN THE CONTEXT OF THE VERIFICATION OF A POLITICAL PARTY:

- a. To receive the completed data on the executive board, permanent office domicile of the political party, the valid documents related to the permanent office of the political party from the Verification Team for Re-registration of Political Parties.

- b. To dispatch the said completed data as mentioned in point a, in particular with regard to the executive board and permanent office address of the political party within the jurisdiction of the Regional Office of the Ministry of Justice and Human Rights, to the Verification Team at Regional Level in which is seated the executive board of the political party concerned.
- c. To fix the schedule for the verification which will be conducted by the Central Verification Team as well as by the Regional verification team.
- d. To dispatch the schedule as mentioned in point c. to the regional Verification Team where the executive board of the political party is seated.
- e. To conduct verification at central level and to receive and examine the outcome of the verification of the regional team at provincial level, at *kabupaten/kota* level and *kecamatan* level, and if necessary the central verification team will carry out its tasks down to *kabupaten/kota* level.
- f. To draw up the official report of verification (Attachment 12).
- g. To receive the official report of verification from the Regional Verification Team.
- h. To report the whole official report of verification conducted by the Central Verification Team as well as by the Regional Verification Team to the Team for Re-registration.
- i. To transmit such report as mentioned in point h to the Team for the verification of Re-registration.

D. TASKS OF THE REGIONAL TEAM IN THE CONTEXT OF VERIFICATION OF RE-REGISTRATION OF POLITICAL PARTIES:

- a. To receive the completed data on the executive board, permanent office address and domicile of the political parties, and the valid documents related to the permanent office of the political parties from the verification team on Political Parties at Central Level.
- b. To conduct verification at provincial level, *kabupaten/kota* level and *kecamatan* level in accordance with the schedule and data received from the Central Verification team.

The objects of verification involve:

- the executive boards of the political party at provincial, *kabupaten/kota* and *kecamatan* levels;
- the permanent office
- documentary evidence of office premises occupancy.

With regard to the executive board, verification is conducted by checking the letter of decision regarding executive boards against the identification papers of each individual executive. Verification of

the executive board involves at least that of the chairman, the secretary and the treasurer, the more the better.

With regard to the permanent office, verification is conducted by crosschecking the address stipulated in the certificate of domicile issued by the local head of the district, sub-district or village.

With regard to the documents relating to the uses of the office premises, verification is conducted by checking evidence thereof. For instance, if the premises are rented, then the lease is checked as evidence and if occupancy is based on temporary enjoyment, then evidence thereon is checked.

- c. To draw up the official report of verification (Attachment 12)
- d. To report on the whole verification official report as mentioned in point c to the Central Verification Team.

E. DUTIES OF THE DIRECTORATE GENERAL FOR GENERAL LEGAL ADMINISTRATION IN THE CONTEXT OF REGISTERING (NEW) POLITICAL PARTIES.

- a. To receive and to examine the application for registration of political parties included therein the complete data on the executive board, the permanent office of the political party, the validity of documents related to the permanent office of the political party;
- b. To dispatch the said complete data as mentioned in point a to the Regional Office of the Ministry of Justice and Human Rights in which the executive board of the political party is seated.
- c. To fix the schedule for verification as will be conducted both by the Directorate-General for General Legal Administration as well as by the Regional Office of the Ministry of Justice and Human Rights.
- d. To dispatch the said schedule as mentioned in point c above to the Regional Office of the Ministry of Justice and Human Rights in which the executive board of the political party is seated.
- e. To conduct verification at central level and to receive and examine the outcome of verification by the Regional Office of the Ministry of Justice and Human Rights at provincial, *kabupaten/kota* and *kecamatan* levels and if necessary the Directorate General for General Legal Administration may carry out its duties down to *kabupaten/kota* level.
- f. To draw up the official report of verification. (Attachment 12)
- g. To receive the report on the official report from the Regional Office of the Ministry of Justice and Human Rights.
- h. To compile all the outcomes of the verification conducted by the Directorate-General for General Legal Administration as well as from the Regional Office of the Ministry of Justice and Human Rights for consideration in the decision for validation of the political parties concerned.

F. DUTIES OF THE REGIONAL OFFICE OF THE MINISTRY OF JUSTICE AND HUMAN RIGHTS IN THE CONTEXT OF VERIFYING THE REGISTRATION OF POLITICAL PARTIES.

- a. To receive the completed data on the executive board, permanent office address and domicile of the political parties, and the valid documents related to the permanent office of the political parties within its jurisdiction from the Directorate General for General Legal Administration.
- b. To conduct verification at provincial level, *kabupaten/kota* level and *kecamatan* level in accordance with the schedule and data received from the Directorate-general for General Legal Administration.
- c. At *kecamatan* level verification is conducted in the respective *kabupaten/kota* by coordination with the political party concerned to invite the executive board of the political party at *kecamatan* level to the *kabupaten/kota* concerned and if necessary, verification is conducted at the *kecamatan* concerned.
- d. To draw up the official report of verification (Attachment 12)
- e. To report the whole of the official report of verification to the Directorate General for General Legal Administration when the latter conducts verification in the regions.

VIII. ANNOUNCEMENT IN THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA

1. The Decree of the Minister for Justice and Human Rights concerning the validation of the political party as a legal entity is announced /published in the State Gazette of the Republic of Indonesia.
2. Amendments to the articles of association and standing orders, name, symbol and logo that have been registered by the Ministry of Justice and Human Rights are also announced in the State Gazette of the Republic of Indonesia.
3. The Minister for Justice and Human Rights shall announce the dissolution and amalgamation of political parties in the State Gazette of the Republic of Indonesia.

THE MINISTER FOR JUSTICE AND HUMAN RIGHTS OF THE RI
(signed and sealed)

PROF. DR. YUSRIL IHZA MAHENDRA