

LAW OF THE REPUBLIC OF INDONESIA
NUMBER 15 OF 2019
ON
AMENDMENT TO LAW NUMBER 12 ON LEGISLATION MAKING
BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering:
- a. that the national law development which is planned, integrated, and sustainable must really reflect that sovereignty in people's hand and guarantee the protection of all Indonesian people rights and obligations of under the 1945 Constitution of the Republic of Indonesia.
 - b. that to strengthen a sustainable legislation making, it is necessary to regulate and improve the mechanism of legislation making from planning to monitoring and review.
 - c. that Law Number 12 of 2011 on Legislation Making remains imperfect and has not yet accommodated the development of public need, so it needs to be amended;
 - d. that based on considerations as referred to in point a, point b, and point c, it is necessary to enact Law Number 12 of 2011 on Amendment to Legislation Making;

- Observing :
1. Article 20, Article 21, and Article 22A of the 1945 Constitution of the Republic of Indonesia;
 2. Law Number 12 of 2011 on Legislation Making (State Gazette of the Republic of Indonesia of 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234);

With the Joint Approval of
THE HOUSE OF REPRESENTATIVES
and
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAS DECIDED:

To enact: LAW ON AMENDMENT TO LAW NUMBER 12 OF 2011 ON
LEGISLATION MAKING.

Article I

Several provisions in Law Number 12 of 2011 on Legislation Making (State Gazette of the Republic of Indonesia of 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234) are amended as follows;

1. The provisions of Article 1 are amended so that it reads as follows:

Article 1

In this Law:

1. Legislation Making means the making of Legislation covering the stages of planning, preparation, discussion, enactment or issuance, and promulgation.
2. Legislation means written regulations containing generally binding legal norms and made or enacted and issued by authorized State institutions or officials through a procedure established in Legislation.
3. Law means Legislation made by the House of Representatives with the joint approval of the President.
4. Government Regulation in Lieu of Law means Legislation issued by the President in emergency situation.
5. Government Regulation means Legislation issued by the President to implement the Law accordingly.
6. Presidential Regulation means Legislation issued by the President to implement superior Legislation or to exercise the government's authority.

7. Provincial Regulation means regional Legislation made by the Provincial House of Representatives with the joint approval of the Governor.
8. Regency/Municipal Regulation means regional Legislation made by the Regency/Municipal House of Representatives with the joint approval of the Regent/Mayor
9. National Legislation Program (*Program Legislasi Nasional*), hereinafter referred to as Prolegnas, means a law-making program planning instrument developed in a planned, integrated, and systematic way.
10. Regional Legislation Program (*Program Legislasi Daerah*), hereinafter referred to as Prolegda, means a Provincial Regulation or Regency/Municipal Regulation-making program planning instrument developed in a planned, integrated, and systematic way.
11. Academic Draft means a paper written based on a legal review or study and other studies on a specific issue accountable scientifically on the regulation of the issue in a Draft Law, a Draft Provincial Regulation, or a Draft Regency/Municipal Regulation as a solution to legal issues and needs of the public.
12. Promulgation means the placement of Legislation in the State Gazette of the Republic of Indonesia, the Supplement to the State Gazette of the Republic of Indonesia, the State Bulletin of the Republic of Indonesia, the Supplement to the State Bulletin of the Republic of Indonesia, the Regional Gazette, the Supplement to the Regional Gazette, or the Regional Bulletin.
13. Material Content of Legislation means the content of Legislation which is consistent with the type, function and hierarchy of Legislation
14. Monitoring and Review means an activity to observe, record, and evaluate the implementation of the prevailing Laws so that they are recognized as the achievement of the planned results, the impacts, and

their benefits for the Unitary State of the Republic of Indonesia.

15. House of Representatives (*Dewan Perwakilan Rakyat*), hereinafter referred to as the DPR, means the House of Representatives as referred to in the 1945 Constitution of the Republic of Indonesia.
 16. Regional Representative Council (*Dewan Perwakilan Daerah*), hereinafter referred to as the DPD, means the Regional Representative Council as referred to in the 1945 Constitution of the Republic of Indonesia.
 17. Regional House of Representatives (*Dewan Perwakilan Rakyat Daerah*), hereinafter referred to as the DPRD, means the Regional House of Representatives as referred to in the 1945 Constitution of the Republic of Indonesia.
2. The provisions of Article 20 are amended so that it reads as follows:

Article 20

- (1) Prolegnas is prepared by the DPR, the DPD and the Government.
- (2) Prolegnas is determined for a medium-term period and annual period in accordance with the priority scale of preparation of Draft Law.
- (3) The medium-term Prolegnas are prepared and determined at the beginning of the term of the DPR's membership for a period of 5 (five) years.
- (4) Before preparing and determining the mid-term Prolegnas as referred to in section (3) the DPR, the DPD and the Government evaluate the mid-term period of Prolegnas in the previous DPR's membership term.
- (5) The mid-term Prolegnas as referred to in section (3) may be evaluated at the end of year at the same time by the preparation and determination of annual priority Prolegnas.

- (6) Preparation and determination of annual priority Prolegnas as the implementation of medium-term Prolegnas are conducted every year prior to the determination of Draft Law on State Budget.
3. The provisions of section (4) of Article 21 are amended so that it reads as follows:

Article 21

- (1) Preparation of Prolegnas between the DPR and the Government is coordinated by DPR's complementary organ for legislation affairs.
 - (2) Preparation of Prolegnas within the DPR's scope is coordinated by DPR's complementary organ for legislation affairs.
 - (3) The preparation of Prolegnas within the DPR's scope as referred to in section (2) takes into account the proposals of the factions, the commissions, the DPR's members, the DPD, and/or the public.
 - (4) Preparation of Prolegnas within the Government's scope is coordinated by the minister or head of institution administering government affairs in in the field of Legislation Making.
 - (5) Further provisions regarding preparation of Prolegnas as referred to in section (1), section (2), and section (3) are regulated by a DPR Regulation.
 - (6) Further provisions regarding the procedure for the preparation of Prolegnas within the Government's scope as referred to in section (4) are regulated in Presidential Regulation.
4. The provisions of section (2) of Article 23 are amended so that it reads as follows:

Article 23

- (1) Prolegnas contains an open cumulative list of:

- a. ratification of certain treaties;
 - b. due to the decision of the Constitutional Court;
 - c. State Budget;
 - d. formation, division, and integration of regions of Province and/or of Regency/Municipality; and
 - e. enactment/repeal of Government Regulation in Lieu of Law.
- (2) Under certain circumstances, the DPR or the President may propose a Draft Law apart from Prolegnas to address:
- a. extraordinary circumstances, state of conflict, or natural disaster; and
 - b. other certain circumstances that ensure the existence of national urgency for a Draft Law to be mutually agreed by the DPR's complementary organ for legislation affairs and the minister or head of institution administering government affairs in the field of Legislation Making.
5. The provisions of section (1) of Article 26 are amended so that it reads as follows:

Article 26

- (1) The preparation planning of Government Regulation as referred to in Article 25 is coordinated by the minister or head of institution administering government affairs in the field of Legislation Making.
 - (2) The preparation planning of Government Regulation as referred to in section (1) is stipulated by a Presidential Decision.
6. The provisions of Article 47 are amended so that it reads as follows:

Article 47

- (1) A Draft Law initiated by the President is prepared by a minister or a head of non-ministerial institution in

accordance with their respective scope of duties and responsibilities.

- (2) In order to prepare a Draft Law, the minister or the head of non-ministerial institution forms an inter-ministerial and/or inter-non-ministerial committee.
- (3) Harmonization, unification and consolidation of conception of President-initiated Draft Law are coordinated by the minister administering government affairs in the field of Legislation Making.
- (4) Further provisions regarding the procedure for preparation of the Draft Law as referred to in section (1) are regulated by a Presidential Regulation.

7. The provisions of Article 49 are amended so that it reads as follows:

Article 49

- (1) A Draft Law initiated by the DPR is submitted with a DPR Leadership's letter to the President.
- (2) The President not later than 60 (sixty) days as of the receipt of the DPR leadership's letter, assigns a minister to discuss the Draft Law with the DPR.
- (3) The minister as referred to in section (2) coordinates the preparation of discussion with the minister or head of institution administering government affairs in the field of Legislation Making.

8. The provisions of Article 54 are amended so that it reads as follows:

Article 54

- (1) In preparing a Draft Government Regulation, the initiator forms a committee of inter-ministerial and/or inter-non-ministerial institutions.
- (2) Harmonization, unification and consolidation of conception of Draft Government Regulation are coordinated by the minister or head of institution

administering government affairs in the field of Legislation Making.

- (3) The provisions regarding the preparation of Draft Government Regulation are regulated in Presidential Regulation.

9. The provisions of Article 55 are amended so that it reads as follows:

Article 55

- (1) In preparing a Draft Presidential Regulation, the initiator forms an inter-ministerial and/or inter-non-ministerial committee.
- (2) Harmonization, unification and consolidation of the conception of a Draft Presidential Regulation are coordinated by the minister or head of institution administering government affairs in the field of Legislation Making.
- (3) Further provisions regarding the procedure for preparation of Draft Presidential Regulation are regulated by President Regulation.

10. The provisions of section (2) Article 58 are amended so that it reads as follows:

Article 58

- (1) Harmonization, unification and consolidation of conception of Draft Provincial Regulation initiated by the Provincial DPRD are coordinated by the Provincial DPRD's complementary organ for legislation affairs.
- (2) Harmonization, unification and consolidation of conception of Draft Provincial Regulation initiated by the Governor are conducted by ministry or institution administering government affair in the field of Legislation Making.

11. Between Article 71 and Article 72, 1 (one) article is inserted namely Article 71A, so that it reads as follows:

Article 71A

In the event that the discussion of the Draft Law as referred to in Article 65 section (1) has entered the discussion of the Problem Inventory List in the current period of the DPR's membership term, the result of the discussion of the Draft Law is submitted to the DPR for the next period and based on the agreement of the DPR, the President, and/or the DPD, the Draft Law can be re-entered into the list of mid-term Prolegnas and/or annual priority Prolegnas.

12. The provisions of Article 72 still remain the Elucidation of Article 72 is amended as stated in the elucidation of article by article.
13. The provisions of Article 85 are amended so that it reads as follows:

Article 85

The promulgation of Legislation in the State Gazette of the Republic of Indonesia or in the State Bulletin of the Republic of Indonesia as referred to in Article 82 and Article 83 is carried out by the minister or head of institution administering government affairs in the field of Legislation Making.

14. The provisions of section (1) of Article 91 are amended so that it reads as follows:

Article 91

(1) In the event that Legislation needs to be translated into foreign languages, the translation is made by the minister or head of institution administering government affairs in the field of Legislation Making.

- (2) The translation as referred to in section (1) is an official translation.

15. Between CHAPTER X and CHAPTER XI, one chapter is inserted namely CHAPTER XA, so that it reads as follows:

CHAPTER XA
MONITORING AND REVIEW OF LAW

16. Between Article 95 and Article 96, 2 (two) articles are inserted, namely Article 95A and Article 95B so that they reads as follows:

Article 95A

- (1) Monitoring and Review of Law are carried out after a Law comes into force.
- (2) Monitoring and Review of Law as referred to in section (1) are carried out by the DPR, the DPD, and the Government.
- (3) Monitoring and Review of Law as referred to in section (1) are coordinated by DPR's complementary organ for Legislation affairs.
- (4) Result of Monitoring and Review of Law as referred to in section (2) may be proposals in the preparation of Prolegnas.

Article 95B

- (1) Monitoring and Review of Law are carried out in 3 (three) stages as follows:
 - a. Preparation stage
 - b. Implementation stage; and
 - c. Follow-up stage.
- (2) Further provisions regarding Monitoring and Review of Law are each regulated by a DPR Regulation, a DPD Regulation, and a Presidential Regulation.

18. Between CHAPTER XII and CHAPTER XIII, 1 (one) chapter is inserted, namely CHAPTER XIIA so that it reads as follows

CHAPTER XIIA
TRANSITIONAL PROVISIONS

19. Between Article 99 and Article 100, one article is inserted namely Article 99A so that it reads as follows:

Article 99A

At the time the ministry or institution administering government affairs in the field of Legislation Making has not been established, the minister administering government affairs in the field of law remains to perform the duty and function for Legislation Making.

Article II

This Law comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Law by its placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta
on 2 October 2019

PRESIDENT OF THE REPUBLIC OF
INDONESIA,

signed

JOKO WIDODO

Promulgated in Jakarta
on 4 October 2019

ACTING MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

signed

TJAHJO KUMOLO

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2019 NUMBER 183

Jakarta, 12 November 2021

Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,



BENNY RIYANTO

ELUCIDATION
OF
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 15 OF 2019
ON
AMENDMENT TO LAW NUMBER 12 OF 2011 ON
LEGISLATION MAKING

I. GENERAL

Law on Legislation Making is the implementation of order of Article 22A of the 1945 Constitution of the Republic of Indonesia which states that “Further provisions regarding legislation making are further regulated by law”. Law on Legislation Making based on idea that Indonesia is a law-based State. As the law-based State, all life aspects in social, nations, and state including governance must be based on law which is in accordance with the national legal system.

The national legal system is a law that prevails in Indonesia with all its elements that support one another in order to anticipate and overcome problems that arise in social, national and state life under Pancasila and the 1945 Constitution of the Republic of Indonesia. This law is a refinement to Law Number 12 of 2011 on Legislation Making, and to ensure continuity of Legislation Making from planning to Monitoring and Review.

As the refinement of the previous Law, new content material has been added to this Law, which includes the arrangement of the discussion mechanism for the Draft Law that has been discussed by the DPR with the President in a period to be discussed again in the next period to ensure sustainability in the legislation making regarding the monitoring and review of Legislation as an integral part in the process of Legislation Making.

II. ARTICLE BY ARTICLE

Article I

Point 1

Article 1

Sufficiently clear.

Point 2

Article 20

Sufficiently clear.

Point 3

Article 21

Sufficiently clear.

Point 4

Article 23

Section (1)

Point a

The term "certain treaties" means international agreements that have broad and fundamental consequences for people's lives related to the financial burden of the state and/or the agreement requires amendment or the enactment of a law with the approval of the DPR.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Section (2)

Sufficiently clear.

Point 5

Article 26

Sufficiently clear.

Point 6

Article 47

Sufficiently clear.

Point 7

Article 49

Section (1)

Sufficiently clear.

Section (2)

The minister's assignment is accompanied by Problem Inventory List (DIM) that has been prepared in the period of those 60 (sixty) days.

Section (3)

Sufficiently clear.

Point 8

Article 54

Sufficiently clear.

Point 9

Article 55

Sufficiently clear.

Point 10

Article 58

Sufficiently clear.

Point 11

Article 71 A

Sufficiently clear.

Point 12

Article 72

Section (1)

Sufficiently clear.

Section (2)

The seven (7) work day period is considered to be eligible for preparation of all technical matters relating to the writing of the Draft Law to the President's Official Sheet up to the signing, enactment of Law by the President and the signing into the promulgation of the State Gazette of the Republic of Indonesia.

Point 13

Article 85

Sufficiently clear.

Point 14

Article 91

Sufficiently clear.

Point 16

CHAPTER XA

Sufficiently clear.

Point 16

Article 95A

Section (1)

Sufficiently clear.

Section (2)

Implementation of Monitoring and Review of Law carried out by the DPD is relating to regional autonomy, central and regional relations, the formation and expansion and merging of regions, management of natural resources and other economic resources, and financial balance between the center and the regions.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 95B

Sufficiently clear.

Point 17

CHAPTER XIIA

Sufficiently clear.

Point 18

Article 99A

Sufficiently clear.

Article II

Sufficiently clear.