

PRESIDEN REPUBLIK INDONESIA

**THE LAW OF THE REPUBLIC OF INDONESIA
NO. 43/1999**

AMENDMEND OF LAW NO. 8/1974

ON THE ORDINANCE OF THE CIVIL SERVICE

JAKARTA 1999

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

- In consideration :
- a. that in The endeavours towards achieving the national Goal of realizing a law-abiding, civilized, modern, just and morally high, civil society, it is imperative that civil service Prevail which constitutes a state apparatus serving as the servant of the society who will provide services in a just and equitable manner, safeguard the unity and unification. of the nation by being fully loyal to the Pancasila and 1945 Constitution;
 - b. that for the purpose of what is referred to in point a, a civil service is imperative which has the competence in discharging tasks in a professional and responsible manner in the context of executing the government and development tasks and in a manner which is free from corruption, collusion and nepotism;
 - c. that in the effort to develop a civil service mentioned in point b, it is imperative that endeavours be made with a view to elevating the management of civil service as part of the Public Service;
 - d. that pursuant to points a, b, and c above, it is deemed necessary to change Law No. 8/1974 on the ordinance of civil service;

- In view of :
- 1. Article 5, Clause (1), Article 20, Clause (1), Article 27, Clause (1), and Article 28 of the 1945 Constitution;
 - 2. Law No. 8/1974 on the ordinance of the civil service (State Gazette 1974 No. 55, State Gazette Supplement No. 3041);
 - 3. Law No. 22/1999 on, Regional Government (State Gazette No. 60/1999, State Gazette Supplement No 3839);
 - 4. Law No. 28/1999 on the clean and corruption-, collusion-, and nepotism-free governance ((State Gazette No. 75/1999, State Gazette Supplement No. 3851);

On the concurrence of
THE HOUSE OF PEOPLE'S REPRESENTATIVES OF
THE REPUBLIC OF INDONESIA

HEREBY DECIDES:

To sanction : AMENDMENT OF LAW NO. 8/1974 ON THE ORDINANCE OF THE CIVIL SERVICE.

Article I

A number of the provisions of Law No. 8/1974 on the ordinance of the Civil Service has been changed as follows :

1. The title of CHAPTER I and the provision of Clause 1 Shall now read as follows:

**“CHAPTER I
GENERAL PROVISIONS**

Article I

In this law, the following terms shall have the following meanings:

- 1 . A Civil Servant is each and every citizen of the Republic of Indonesia who has met the stipulated requirements and who has been appointed by an authorized official and who is charged to take a civil service position or who is charged with other tasks by the state and who is paid a salary pursuant to the legislation in force.
2. An authorized official is an official who has the power commission, transfer and discharge a Civil Servant pursuant to the legislation in force.
3. An authorized official is an official who because of the position vested in him or her has the authority to take a legal action pursuant to the legislation in force.
4. A State Official is a leader and member of the high/highest state institution as referred to in the 1945 Constitution or another State Official who is commissioned pursuant to the relevant Law.
5. A Civil Service Position is a position within the executive domain the existence of which is Commissioned pursuant to the legislation in force and which includes a position within the secretariat of the high/highest state institution, and that within the court clerical staff.

6. A Career Position is a structural or functional position which can be occupied only by a Civil Servant who has Satisfied the existing requirements.
 7. An Organic Position which executes the main tasks of a unit within a government organization
 8. The management of the Civil Service refer to all endeavours towards enhancing efficiency, effectiveness, the degree of professionalism in performing duties, functions and obligations of the civil service, including planning, procurement, quality development, placement, promotion, salary, payment, welfare and discharge”.
2. The title of CHAPTER II, those of the provisions of Article 2, Article 3 and Article 4 shall now read as follows:

**"CHAPTER II
TYPE, STATUS, OBLIGATIONS, AND RIGHTS OF THE CIVIL SERVANT**

Part One
Type and Status

Article 2

- (1) The Public Service comprises:
 - a. Civil Servants;
 - b. Members of the Indonesian Military;
 - c. Members of the Police of the Republic of Indonesia
- (2) The Civil Servants referred to in point (1) a above comprise:
 - a. Central Civil Servants; and
 - b. Regional Civil Sevants.
- (3) in addition to the Civil Servants referred to in Clause (1), an authorized official can appoint part-time employees.

Article 3

- (1) A Civil Servant has the status of being a constituent of the state apparatus who is charged with providing services to the public in a professional, honest, just and equitable manner in the context of discharging state, government and development tasks.
- (2) Pursuant to the status and tasks referred to in Clause (1), the Civil Servant shall be impartial from the influence of any group and political party and shall not be discriminatory in providing services to the public
- (3) To ensure the neutrality of the Civil Servant as referred to in clause (2) above, the Civil Servant is forbidden to become a member and or a member of the board of a political party

Part Two Obligations

Article 4

Each and every Civil Servant shall adhere to and be loyal to the Pancasila, 1945 Constitution, the State and Government and he or she shall safeguard the unity and unification of the nation in the unitary state of the Republic of Indonesia."

3. The provision of Clause 7 shall now read as follows:

"Article 7

- (1) Each and every Civil Servant reserves the right to get a salary which is just and appropriately commensurate with the work load and responsibility.
- (2) The salary received by the Civil Servant shall be able to accelerate productivity and ensure his or her well-being.
- (3) A just and appropriate salary of the Civil Servant as referred to in Clause (2) shall be decided on by means of a Government Regulation."

4. The Title of Part Four of CHAPTER II and the provision of Clause 11 shall now read as follows :

"Part Four

A Civil Servant who Assumes the position of a State official

Article 11

- (1) State Officials shall comprise:
 - a. President and Vice President;
 - b. Chairperson, Vice Chairperson, and members of the People's Consultative Assembly;
 - c. Chairperson, Vice Chairperson, and members of the House of People's Representatives;
 - d. Chairperson, Vice Chairperson, Junior Chairperson, and Supreme Judge in the Supreme Court, as well as the Chairperson Deputy Chairperson and Judge of all Judicial Courts;
 - e. Chairperson, Vice Chairperson and Members of the Supreme Advisory Council;
 - f. Chairperson, Vice Chairperson and Members of the Finance Audit Board;
 - g. Ministers, and those who have the positions of the same level as Ministers;
 - h. Chiefs of the Indonesian Diplomatic Missions having the status of Ambassadors Extraordinary and Plenipotentiary;
 - i. Governors and Vice Governors;
 - j. Regents/Mayors; and Vice Regent/Deputy Major; and
 - k. Other Officials as determined by the Law,
- (2) A Civil Servant who has been appointed to become a State Official is discharged from his or her organic position during the period of time of the state officialdom without losing his or her status as Civil Servant.
- (3) A Civil Servant who is appointed as a certain State Official does not have to be discharged from his or her organic position.
- (4). The Civil Servant referred to in clause (2) can be reappointed to take up his or her organic position upon the termination of the position as a state official."

5 The title of CHAPTER III, provisions of Article 12 and Article 13 shall now read as follows:

"CHAPTER III

THE MANAGEMENT OF CIVIL SERVICE

Part One The Objectives of The Management

Article 12

- (1) The Management of the Civil Service shall be directed in such a way to ensure that the execution of government and development tasks is carried out in an effective and efficient fashion.
- (2) To realize the execution of the government and development tasks referred to in clause (1), it is imperative that there exist a professional, responsible, honest and just Civil Service through development endeavours done on the basis of the work performance and a career system focused on the work performance system.

Part Two Management Policies

Article 13

- (1) The Civil Service management policies encompass the decision on the norms, standards, procedures, formations, appointments, civil service resources quality development, transfer, salary, allowance, welfare, discharge, rights, obligations, and legal status.
- (2) The Civil Service management policies referred to in clause (1) are in the hand of the President as the head of the Government.
- (3) To assist the President in formulating the policies referred to in clause (2) and in providing the President with certain recommendations, a Civil Service Commission is set up pursuant to the Decree of the President.
- (4) The Civil Service Commission referred to in clause (3) shall comprise two (2) permanent members having the status of being the commission Chairperson and Secretary Representatively, and three (3) Non-permanent members, all of whom are commissioned and discharged by the President.
- (5) The Chairperson and Secretary of the Commission referred to in clause (4) are concurrently the Chairman and Vice Chairman of The National Civil Service Agency.

6. The provision of Article 15 shall now read as follows:

“Article 15

- (1) The number and structure of the Civil Service ranks which are required are determined in the formation.
- (2) The formation referred to in clause (1) is determined for a certain period of the time on the basis of the type, character, and the work load to be executed”.

7. Provision of Article 16 clause (2) shall now read as follows :

"(2) Each and every citizen of the Republic of Indonesia has the same opportunity to apply for Civil Service employment upon satisfying the requirements."

8. Between Article 16 and Article 17 is inserted one (1) Article, namely the Article 16A which reads as follows;

"Article 16 A

- (1) To ensure the smooth flow of the execution of government and development general duties, the government can directly appoint those who have worked in agencies which support national interests as Civil Servants
- (2) The requirements for, mode of, and direct appointment as Civil Servant referred to in Clause (1) are determined an pursuant to a government regulation."

9. The provision of Article 17 shall now read as follows;

“Article 17

- (1) A Civil Servant is appointed for a certain position and rank.
- (2) The appointment of a Civil Servant for a position is based on the principle of professionalism in accordance with competence, work performance, and the rank level which has been stipulated for the position as well as another set of objective criteria irrespective of sex, ethnicity, religion, race or social grouping.
- (3) The Civil Service appointment as per the beginning rank is decided upon on the basis of the formal education qualification."

10. The provision of Article 19 is deleted.

11. The provision of Article 20 shall now read as follows :

"Article 20

To better ensure objectivity in the consideration of appointing a Civil Servant for a position and for rank promotion, an objective evaluation of the work performance is made."

1. The provision of Article 22, Article 23, Article 24, Article 25, and Article 26 shall now read as follows :

"Article 22

For the sake of duty execution and in the context of fostering a Civil Servant, a transfer of rank, duty, and/or work area can be effected.

Article 23

- (1) A Civil Servant is honourably discharged because of his or her demise.
- (2) A Civil Servant can be honourably discharged owing to the following cases:
 - a. upon his or her own requested;
 - b. having reached the retirement age;
 - c. government organization trimming;
 - d. physical or spiritual handicap which will constrain the Civil Servant from performing obligations as a Civil Servant.
- (3) A Civil Servant can be discharged honourably or is not discharged because:
 - a. he or she has broken the pledge of the Civil Service and pledges other than that of the civil service and the service pledge owing to disloyalty to the Pancasila, 1945 Constitution, the state and Government; or
 - b. because of imprisonment pursuant to the decision of a court, such decision having a fixed legal power, the reason being that the Civil Servant has committed a crime which is liable to imprisonment of less than four (4) years
- (4) A Civil Servant can be discharged not upon his or her own requested or else he or she can be discharged dishonourably because he or she:

- a. has been convicted on the basis of a court verdict which has had a fixed legal force because he or she has committed a crime liable to imprisonment of four (4) years or more; or
 - b. has violated a serious Civil Service discipline.
- (5) A Civil Servant is dishonourably discharged on account of:
- a. violating the pledge of the Civil Servant and the pledge of assuming a position owing to the fact that he or she is disloyal to the Pancasila, The 1945 Constitution, the State and the Government;
 - b. committing an act against the state ideology, the Pancasila, the 1945 Constitution or being involved in an activity against the State and the Government; or
 - c. being jailed or imprisoned pursuant to the decision of a court having a fixed legal force, the reason being that the Civil Servant has committed a service crime or any other crime related to service.

Article 24

A Civil Servant who has been arrested by the authority because of being suspected of having committed a crime will be temporarily discharged until he or she gets a court verdict which has a fixed legal force.

Article 25

- (1) The appointment, transfer and discharge of a Civil Servant is done by the President.
- (2) To ensure the smooth flow of the appointment, transfer and discharge of a Civil Servant referred to in clause (1), the President can delegate part of his or her authority to the official in the personnel development office at the central level and relegate part of his or her authority to the personnel development official at the regional level, the realization of which will be further regulated by means of a Government Regulation.
- (3) The appointment, transfer and discharge of the Attorney General, the Chairperson of a Non-departmental Government Institution, the Secretary General, Director General, Inspector General, and a position of the same level is done by the President.

Part Five

Pledge, Code of Ethics and Disciplinary Regulation

Article 26

- (1) Each and every Civil Servant, upon his or her appointment as a Civil Servant, shall take an oath/pledge.
- (2) The wording of the oath/pledge shall be as follows:

In the name of God, I take an oath/pledge:

that I, in order to be appointed as a Civil Servant, will be fully loyal and adhere to Pancasila, the 1945 Constitution, the State and the Government;

that I will observe the rules of the law in force and will execute the service tasks entrusted to me with full dedication, awareness, and responsibility;

that I will always uphold the honour of the State, the Government and the dignity of the civil service, and I will at all times put the interests of the state over the interests of mine, an individual or a group;

that I will keep confidential whatever which according to its nature or according to the instruction I must keep confidential;

that I will work in an honest systematic, meticulous manner and in full spirit for the sake of interests of the State”.

13. The provisions of Article 30, Article 31 and Article 32 shall now read as follows:

“Article 30

- (1) The fostering of the spirit of the corps, code of ethics, and disciplinary regulations of the Civil Service shall not be contradictory to Article 27 clause (1) and Article 28 of the 1945 Constitutional.
- (2) The fostering of the spirit of the corps, code of ethics, and disciplinary regulations referred to in clause (1) is done pursuant to a Government Regulation.

Part Six

Education and Training

Article 31

- (1) To achieve optimum effectiveness and efficiency, a regulation on and execution of education and training for Civil Servants is effected, the objective being to enhance dedication, quality, expertise, capability and skill.
- (2) The execution of the provision referred to in clause (1) is done pursuant to a Government Regulation.

Part Seven Welfare

Article 32

- (1) In order to enhance the working spirit, welfare efforts for Civil Servant are made.
- (2) The welfare efforts referred to clause (1) will include the programs for retirement, old age saving, health insurance, housing saving, and education insurance of the sons or daughters of the Civil Servants.
- (3) To execute the welfare efforts referred to in Clause (2), a Civil Servant is obligated to pay a monthly contribution deduced from his or her salary.
- (4) To execute the retirement and health insurance programs, the Government shall pay the subsidies and contributions.
- (5) The amount of the subsidies and that of the contributions will be fixed pursuant to a Government Regulation.
- (6) The family of the Civil Servant who has passed a way is entitled to an assistance."

14. The provisions of Article 34 shall now read as follows :

“Article 34

- (1). To ensure the smooth flow of the execution of the Civil Service management policies, an The National Civil Service Agency is formed.
- (2) The agency referred to in clause (1) executes the civil service management encompassing the planning, development of the quality the Civil Service human resources, and civil service administration, supervision and control, the execution and maintenance of civil service information, support of the formulation of the Civil Service welfare policies, and providing technical guidance to organization units

handling the civil service affairs at the central government level and the regional government level."

15. One (1) clause is inserted between Article 34 and Article 35, namely Article 34A, which shall read as follows :

"Article 34A

- (1) To ensure the smooth flow of the execution of the regional civil service management, a The Regional Civil Service Agency is formed.
- (2) The Regional Civil Service Agency referred to in clause (1) constitutes a regional set formed by the Chief of the Region."

16. The provisions of Article 35 shall now read as follows:

"Article 35

- (1) A civil service dispute is settled through a state Administration Court
- (2) A civil service dispute arising from the violation of a Civil Service disciplinary regulation is settled by means of an administrative appeal to The Civil Service Advisory Agency
- (3) The Agency referred to in Clause (2) is formed pursuant to a Government Regulation".

17. The title of CHAPTER IV and provisions of Article 37 shall now read as follows:

"CHAPTER IV
THE MANAGEMENT OF THE MEMBER OF THE INDONESIA MILITARY AND
THAT OF THE POLICE OF THE REPUBLIC OF INDONESIA

Article 37

The management of the Members of the Indonesian Military and those of the Indonesian Police is respectively regulated pursuant to a separate law".

Article II

This law shall take effect on the date it is gazetted. In order for each and every one to know, it is hereby instructed that this law be made public by putting it in the state gazette of the Republic of Indonesian.

Sanctioned in Jakarta on
The 30th of September, 1999
PRESIDENT OF THE REPUBLIC OF INDONESIA

BACHARUDDIN JUSUF HABIBIE

Made public in Jakarta
The 30th of September, 1999
STATE MINISTER/STATE SECRETARY
OF THE REPUBLIC OF INDONESIA

MULADI

STATE GAZETTE OF THE REPUBLIC OF INDONESIAN 1999 NO. 169

**ELUCIDATION
ON
LAW OF THE REPUBLIC OF INDONESIA
NO. 43/1999
AMENDMENT OF LAW NO. 8/1974
ON THE ORDINANCE OF THE CIVIL SERVICE**

I. GENERAL

1. The smooth flow of the execution of Government and national development tasks very much depends on the quality of the state personnel in particular the civil servants. Thus, in the context of arriving at the goal of the national development, namely the prevalence of a civil society which is law-abiding, civilized and modern, democratic, prosperous, just and having high moral, it is imperative that there be a civic service force which constitutes a state apparatus functioning as the servants of the public, charged with providing just and equitable services the public on the basis of loyalty to the Pancasila and adherence to the 1945 Constitution.
2. In addition, in the context of the implementation of the decentralization of the Government authority to regions, civil servants have the duty to safeguard the unity and unification of the state and therefore they are required to perform their duties in a professional and responsible manner in discharging government and development tasks, and to be clean as well as free from the practices of corruption, collusion and nepotism.
3. Being part of the development of the public service, the development of the civil service needs to be done as well as possible on the basis of the combination of the task performance system and the career system, the focus being on the work performance system. This aims at providing the highly achieving civil servants with the opportunities to upgrade their capabilities in a professional manner and healthy competition. Thus, an appointment for a certain position must be based on a work performance system which in turn is based on an objective evaluation on the performance, competence, and training of the civil servant. In the promotion development, the career system is also taken into account besides the work performance system.
4. The management of the civil service needs to be done in a comprehensive manner by applying a uniform norm, standard, and procedure as regards the fixing of formation, hiring, development, salary fixing, and welfare program as well as discharge, all of which constitute elements in the management of the civil service, both the central civil service and the regional civil service. The uniformity aims at bringing about the uniform quality of the civil service throughout Indonesia. In addition to facilitating the execution of the civil service management, a uniform management can also affect the uniformity in treatment and guarantee of legal certainty for all civil servants.
5. In line with the taking effect of Law No. 22/1999 on Regional Government, the decentralization of civil affairs to the regional should be encouraged. To provide a

strong foundation for the civil service decentralization, the execution of a national civil service management decentralization policies on the, same norms, standards and procedures is imperative in each of the civil service management elements.

6. In the endeavour to maintain the neutrality of the civil servant from influence of political parties in the context of safeguarding the unity, solidarity and unification of the civil servants, as well as to enable them to concentrate their attention, thoughts and energy on the tasks entrusted to them, civil servants are not allowed to become members and board members of a political party. In this regard, a civil servant who has become member or board member of a political party must be discharged as a civil servant. The discharge can be either honourable or dishonourable.
7. To upgrade professionalism and civil service welfare, it is stated in the law that a civil servant has the right for a salary which is just and commensurate with his or her work load and responsibility. For that purpose, the Government shall look for possible avenues and provide the civil servant with a just salary in accordance with an appropriate standard. A salary should be construed as a compensation and appreciation for the work performance of the civil servant concerned. Generally the salary system can be classified into two : the mono-scale system and the multi-scale system.. The mono-scale system is the salary system which gives the same amount of salary to civil servants who have the same rank without or with little paying attention to the nature of the work and the weight of the responsibility of the work. The multi-scale salary system is one in which the amount of the salary is not based solely on the rank, but also on the nature of the work, the work performance achieved, and the weight of the responsibility involved. In addition to the two salary systems, there is a third system called the combined scale system. In this system, the basic salary is determined the same for all civil servants having the same rank, but an allowance is provided for civil servants who have heavier responsibility, who do certain jobs which, because of their nature, require continuous concentration and continuous physical labor,
8. In addition, this law affirms that to ensure the management and career development of civil servants, the Positions which exist in the government organization, both structural and functional, constitute career positions which can be taken only by a civil servant and/or by a public servant whose status has been changed to that of a civil servant.
9. Each and every citizen of the Republic of Indonesia shall have the same opportunity to apply to become a civil servant as long as he or she satisfies the requirements. The appointment as a civil servant is done in an objective manner to fill up a vacancy in the formation.
10. The appointment of a civil servant for a structural or functional position shall be done objectively and selectively in order that a spirit can be stimulated to encourage competition for all civil servants in upgrading their professional capabilities in the context of giving the best services to the public.
11. In order to execute civil service development based on the foregoing thinking, it is necessary to change a number of provisions of Law No. 8/1974 on the Civil Service Ordinance.

II. ARTICLE BY ARTICLE

Article I

Article 1

Sufficiently clear

Article 2

Clause (1)

Point a

Sufficiently clear

Point b

The provisions for members of the Indonesian Military are stipulated pursuant to the law.

Point c

The provisions for members of the State Police of the Republic of Indonesia are stipulated pursuant to the law.

Clause (2)

Point a

Meant by the central civil servant is a civil servant whose salary is borne by the State Revenues and Expenditures and who works in a Department (Ministry), Institution, Non-departmental Government Institution, a Secretariat of the Government highest/high institutions, vertical agencies in the Province District/Township, the clerical section of the Court or who is hired to execute other government tasks.

Point b

Meant by a Regional Civil Servant is a regional civil servant in the Province/District/Township whose salary is borne by the Regional Revenue and Expenditures and who works for the Regional Government or who is hired outside his or her main agency. For central civil servants and regional civil servants who are posted outside their main agencies, their salaries are borne by the recipient agencies.

Clause (3)

Meant by a non-permanent employee is an employee who is appointed for a fixed period of time in the context of discharging government or development tasks which are technical, professional, and administrative in nature in accordance with the needs and capabilities of the organization. A non-permanent employee does not have the status of a civil servant.

Article 3

Sufficiently clear

Article 4

Sufficiently clear

Article 7

Clause (1)

Meant by a just and appropriate salary is that the corresponding civil servant shall be able to satisfy the needs of his or her family so that he or she can concentrate his or her attention, thoughts, and energy only to execute the tasks entrusted to him or her.

Clause (2)

Sufficiently clear

Clause (3)

The just salary arrangements of the civil servants aim at preventing welfare gaps, both between or among civil servants and between civil servants and private employees. The appropriate salary arrangements aim at ensuring the satisfaction of basic needs and at stimulating the productivity and creativity of the civil servants.

Article 11

Clause (1)

The order of the state officials as stated in this provision does not indicate the hierarchy of the positions of the officials concerned. In this provision, meant by the Judge in the Courts is the Judge within the General Court, State Administrative Court, Military Tribunal, and Religious Affairs Courts.

Clause (2)

Sufficiently clear

Clause (3)

Meant by a certain State Official is the Chairperson, Vice Chairperson, Junior Chairperson, or Supreme Judge of the Supreme Court or the Chairperson, Vice Chairperson, or Member of the State Audit Board coming from the career position; chief of the Indonesian Diplomatic Mission Overseas who has the status of Ambassador Extraordinary and Plenipotentiary coming from the career diplomat position, and positions of the same level as that of a Minister.

Clause (4)

Sufficiently clear

Article 12

Clause (1)
Sufficiently clear

Clause (2)
In the endeavour to enhance the quality and skill as well as to simulate the work spirit, it is necessary to develop on the basis of the work performance system and career system, the focus being on the work system. As such, an objective assessment will be obtained as regards the competence of the civil servant. In order to enhance the optimum efficiency and effectiveness the career development system to be implemented must be a closed career development in the sense of the state. The state closed career system enables the transfer of civil servants from one Department/Institution/Province/District/Township to the another Department/Institution/Province/District/Township or vice versa, especially as regards managerial positions

Article 13

Clause (1)
Sufficiently clear

Clause (2)
Sufficiently clear

Clause (3)
The State Civil Service Commission referred to in this provision is the commission in charge of assisting the President in :
a. formulating the general civil service policies;
b. formulating the policies on salaries and welfare of the civil servants; and
c. providing consideration in appointing, transferring, discharging in or from a certain structural position which is the prerogative of the President.
In order to discharge the main duties in objective manner, the status of the commission is an independent.

Clause (4)
The permanent members appointed shall be senior civil servants from a government agency or a tertiary education Institution or a senior staff member of the National Civil Service Agency; non-permanent members appointed shall be senior civil servants from corresponding Department, representatives of a civil service organization, or

representatives of a public figure who have the expertise required by the commission

Clause (5)
Sufficiently clear

Clause (6)
Sufficiently clear

Article 15

Clause (1)
A formation. refers to the number and rank structure of the civil servants needed to execute the main tasks stipulated by the authorized official. The number of the civil servants required is determined on the basis of the work load of the organization.

Clause (2)
A formation is fixed on the basis of the estimate of the work load for a given period of time, taking into account the variety of jobs, work routines, expertise needed to discharge the tasks as well as other matters which affect the number and the human resources required.

Article 16

Clause (2)
This provision affirms that the hiring of a civil servant must be based on objective criteria already stipulated, and that it cannot be done on the basis of sex, ethnic group, religion, race, social grouping, or region

Article 16A

Clause (1)
A direct appointment to become a civil servant shall be done very selectively, i.e. applicable only to those who have rendered commendable merits to the state and who are needed by the state

Clause (2)
Sufficiently clear

Article 17

Clause (1)

Meant by position is the status which refers to the duties, responsibilities, authorities and rights of a civil servant within an organization unit of the state. The position within the government bureaucracy is a career position. A career position is a position within the government bureaucracy which can be taken only by a civil servant or public servant whose status has been changed into that of a civil servant. A career position can be classified into two (2) kinds namely the structural position and the functional position. A structural position is one which is clearly defined in the organization structure. A functional position is a position which is not clearly mentioned in the organization structure but which, by nature of its function, is needed by the organization, such as researcher, physician, librarian and other similar position. Meant by rank is the status which shows the level of a civil servant based on his or her position in the hierarchy of the civil service which is used as a basic for the payment of salaries.

Clause (2)

Meant by other objective criteria are among other things, work discipline, loyalty, dedication, experience, teai-n work, and trustworthiness.

Clause (3)

Sufficiently clear

Article 20

Sufficiently clear

Article 22

In the interest of the officialdom and as an endeavour to widen experience, extend horizon and enhance capabilities, it is deemed necessary to conduct transfer of positions, duties and work areas of a civil servant, especially for those who have the positions of leadership without being detrimental to their service rights.

Article 23

Clause (1)

A civil servant who has been discharged honourably reserves the civil service rights in accordance with the regulations of the legislation in force, among other things the rights for retirement and old age saving.

Clause (2)

Being discharged honorably means that for a civil servant, his or her service is no longer required by the Government or for reasons causing concerned to be dishonourably discharged.

Clause (3)

Whether a civil servant is honourably discharged or whether he or she is not discharged depends on the seriousness of the violation, or else it is done by taking into account the civil servant's meritorious services and dedication.

Clause (4)

Whether a civil servant is honourably discharged not upon his or her own request or whether he or she is dishonourably discharged depends on the seriousness of the violation committed by the civil servant concerned, in which case his or her meritorious services dedication will have to be considered.

Clause (5)

A civil servant who has been dishonourably discharged has no right for retirement payment.

Article 24

To ensure the smooth flow of investigation, a civil servant who has been suspected by the authority of having committed a crime will be temporarily discharged until the case has been given a fixed legal verdict by the court. The temporary discharge is the temporary discharge from the position as a civil servant, not temporary discharge from the civil service. Upon the completion of the examination of the case and when a court decision has been made which has a legal force and if it turns out that the civil servant is not guilty, the civil servant be rehabilitated effective from the date he or she was temporarily discharged. The rehabilitation shall be construed to mean that the civil servant concerned will be reactivated and returned to his or her former position Upon completion of the examination by the court and it turns out that the civil servant concerned is found guilty and that he or she is therefore sent to jail based an the verdict of the court which has a fixed legal force, than the civil servant can be discharged by paying attention to Article 23 clause (3) point b, clause (4) point a, and clause (5) point c.

Article 25

Clause (1)

Sufficiently clear

Clause (2)

The provision regarding the delegation and relegation of authority as regulated in the Government Regulation becomes the norm, standard, and procedure in appointment, transfer, and discharge of civil servant.

Clause (3)

Positions referred to in this provision constitute the highest career positions. Therefore, the corresponding appointment, transfer, and discharge shall be done pursuant to a Presidential Decree.

Article 26

Clause (1)

The taking of oath/pledge shall be done in one of the religions recognized by the Government, namely:

- a. it begins with the pronouncement of "Demi Allah" ("By God") for Muslims;
- b. it ends with the pronouncement of "Semoga Tuhan menolong saya" ("So help me God") for Protestants or Catholics;
- c. it begins with the pronouncement "OM atah Paramawisesa" for Hindus; and
- d. it begins with the pronouncement of "Demi Sang Hyang Adi Buddha" for Buddhists.

Clause (2)

Sufficiently clear

Article 30

Sufficiently clear

Article 31

Clause (1)

The arrangements for and the execution of service education and training for civil servants aim at ensuring balance in the development of civil servants. The arrangements for and the implementation of service education and training programs encompass planning, including budget planning, the fixing of standards, giving accreditation, evaluation and supervision. The service education and training aims, among other things, at the following:

- enhancing dedication, quality, expertise and skills;
- creating the same pattern of thinking;
- creating and developing better work methods;
- developing the careers of civil servants

Basically, two kinds of service education and training are distinguished, namely pre-service training and in service training:

- Pre-service training is the training provided for civil servant candidates, the objective being that he or she will acquire the skills required to execute the tasks entrusted to him or her
- In-service training is the training which aims at elevating the, quality, expertise, competence and skills.

Clause (2)
Sufficiently clear

Article 32
Sufficiently clear

Article 34
Sufficiently clear

Article 34A
Sufficiently clear

Article 35

Clause (1)
Sufficiently clear

Clause (2)
A civil servant of a certain grade upon whom a disciplinary, honourable, not-upon-one's-own requested discharge, or dishonourable discharge has been imposed can submit a request for an administrative appeal to the request Civil Service Advisory Agency.

Clause (3)
Sufficiently clear

Article 37
Sufficiently clear

Article II
Sufficiently clear

SUPPLEMENT OF THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA NO. 3890