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LAW OF THE REPUBLIC OF INDONESIA
NUMBER 17 OF 2013
ON
CIVIL SOCIETY ORGANISATIONS

BY THE GRACE OF GOD ALMIGHTY
PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that the freedom of association, assembly and expression of opinions is a part of human rights in the life within the nation and the country of the Unitary State of the Republic of Indonesia which is guaranteed in the 1945 Constitution of the Republic of Indonesia;
 - b. that in exercising the right and freedom of association, assembly and expression of opinions, everyone must respect the human rights and freedom of others in the spirit of adhering to the rule of law and creating justice in the life of the society, the nation and the state ;
 - c. that as a means for implementing the freedom of association, assembly and expression of opinion, civil society organisations take part in development in order to achieve the national goal within the Unitary State of the Republic of Indonesia which is based on Pancasila;
 - d. that the Law Number 8 of the year 1985 on Civil

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Society Organisations is no longer compatible with the need and dynamics of in the life of the society, the nation and the state, so that it is deemed necessary to be replaced;

- e. that based on considerations as intended by letter a, letter b, letter c and letter d, it is deemed necessary to establish a Law on Civil Society Organizations;

Noting : Article 20, Article 21, Article 28, Article 28C paragraph (2), Article 28E paragraph (3) and Article 28J of the 1945 Constitution of the Republic of Indonesia;

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

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAS DECIDED:

to enact : THE LAW ON CIVIL SOCIETY ORGANIZATIONS.

CHAPTER I
GENERAL PROVISIONS

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Article 1

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

- (1) Civil Society Organizations, hereinafter called "Ormas", means any organizations founded and established by the people voluntarily based on similar aspirations, will, needs, interests, activities and goals in order to take part in development towards achieving the purpose of the Unitary State of the Republic of Indonesia which is based on Pancasila.
- (2) Articles of Association, hereinafter abbreviated as AD, mean the basic rules of Ormas.
- (3) Bylaws, hereinafter abbreviated as ART, means rules formed as the translation of the AD of Ormas.
- (4) The Government means the President of the Republic of Indonesia who holds the power in the governance of the Republic of Indonesia as intended by the 1945 Constitution of the Republic of Indonesia.
- (5) Regional Government means the governors, regents or mayors and regional governmental institutions as the components of the regional government.
- (6) The Minister means the minister in charge of home affairs.

CHAPTER II

PRINCIPLES, CHARACTERISTICS AND PROPERTIES

Article 2

Principles of Ormas shall not contradict Pancasila and the 1945 Constitution of the Republic of Indonesia.

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Article 3

Ormas may have certain characteristics which reflect its aspiration and goals which do not contradict Pancasila and the 1945 Constitution of the Republic of Indonesia.

Article 4

Ormas are voluntary, social, independent, non-profit and democratic.

CHAPTER III
PURPOSE, FUNCTION AND SCOPE

Article 5

Ormas shall aim to:

- a. Promote participation and empowerment of society;
- b. Serve the society;
- c. Uphold religious values and faith in God Almighty;
- d. Conserve and preserve norms, values, morale, ethics, and culture within society;
- e. Conserve natural resources and the environment;
- f. Develop social tolerance, mutual aid and tolerance within society;
- g. Uphold, preserve and strengthen the nation's unity and integrity;
and
- h. Realize the purposes of the country.

Article 6

Ormas shall be a means to:

- a. Carry out activities according to the interest of their members and the goal of the organisations;

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- b. Develop members in realising the goals of the organisations;
- c. Channel the aspiration of the people;
- d. Empower the people;
- e. Provide social services;
- f. Allow people's participation in preserving, upholding and strengthening national unity and integrity; and
- g. Conserve and preserve norms, values and ethics in life within society, nation and country.

Article 7

- (1) Ormas shall have a field of activity in accordance with their respective AD and ART.
- (2) Field of activity as intended by paragraph (1) must be in accordance with the properties, purposes and functions of Ormas as intended by Article 4, Article 5 and Article 6.

Article 8

Ormas shall have the following scopes:

- a. national;
- b. province; or
- c. regency/city.

CHAPTER IV
ESTABLISHMENT

Article 9

An Ormas shall be established by 3 (three) Indonesian citizens or more, except for Ormas incorporated in the form of a foundation.

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Article 10

- (1) Ormas as intended by Article 9 can take the forms of:
 - a. juristic persons / legal entities; or
 - b. non-juristic persons / non-legal entities.
- (2) Ormas as intended by paragraph (1) may be:
 - a. membership-based; or
 - b. non-membership-based.

Article 11

- (1) Ormas with juristic persons as intended by Article 10 paragraph (1) letter a can take the form of:
 - a. association; or
 - b. foundation.
- (2) Ormas in the form of association as intended by paragraph (1) letter a are established on the basis of membership.
- (3) Ormas in the form of foundation as intended by paragraph (1) letter b are established on the basis of non-membership.

Article 12

- (1) Association legal entities as intended by Article 11 paragraph (1) letter a shall be established by fulfilling the following requirements:
 - a. deed of establishment issued by a notary which includes AD and ART;
 - b. work programmes;
 - c. source of funds;
 - d. domicile certificate;

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- e. tax payer identification number on behalf of the association;
 - f. an affidavit stating not being in a dispute of management or being involved in a legal dispute.
- (2) Validation as an association legal entity shall be issued by the minister in charge of government affairs in the field of law and human rights.
 - (3) Validation as an association legal entity as intended by paragraph (2) shall be issued after requesting the consideration of related government institutions.
 - (4) Further provisions on association legal entities as intended by paragraph (1), paragraph (2) and paragraph (3) shall be regulated by the law.

Article 13

Foundation legal entities as intended by Article 11 paragraph (1) letter b is regulated and implemented according to the regulations.

Article 14

- (1) In the effort of optimising its roles and functions, an Ormas may create a forum to assemble.
- (2) Forums to assemble as intended by paragraph (1) shall not be singular, unless otherwise determined by the law.

CHAPTER V
REGISTRATION

Article 15

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- (1) An Ormas as a juristic person / a legal entity / incorporated Ormas is considered registered after obtaining validation as a juristic person.
- (2) Registration of an Ormas as a juristic person as intended by paragraph (1) shall be performed according to the regulations.
- (3) In case of it having attained the status of a juristic person, the Ormas as intended by paragraph (1) shall not be required to have a letter of registration.

Article 16

- (1) Registration of non-juristic person Ormas as intended by Article 10 paragraph (1) letter b is carried out by the issuance of a letter of registration.
- (2) Registration of non-juristic person / unincorporated Ormas as intended by paragraph (1) is carried out by fulfilling the following requirements:
 - a. deed of establishment containing an AD or an AD and ART (articles of association) issued by a notary;
 - b. work programmes;
 - c. structure of organisation;
 - d. domicile certificate;
 - e. tax payer identification number on behalf of the Ormas;
 - f. an affidavit stating not being in a dispute of management or being involved in a legal dispute;
 - g. statement of willingness to report its activities.
- (3) Letter of registration as intended by paragraph (1) shall be issued by:
 - a. the Minister, for Ormas with a national scope;

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- b. governors, for Ormas within the scope of a province;
- c. regents/mayors, for Ormas within the scope of a regency/city.

Article 17

- (1) The Minister, governors or regents/mayors as intended by Article 16 paragraph (3) shall verify registration documents within a maximum period of 15 (fifteen) working days since the receipt of the registration documents.
- (2) In the event that registration documents are not complete, the Minister, governors, or regents/mayors as intended by paragraph (1) shall ask the registering Ormas to complete them within a maximum period of 15 (fifteen) working days since the notification of incompleteness of registration documents.
- (3) In the event that an Ormas passes the verification, the Minister, governors, or regents/mayors as intended by paragraph (1) shall extend a letter of registration within a maximum period of 7 (seven) working days.

Article 18

- (1) In the event that a non-legal entity Civil Society Organization does not fulfil the requirements for a letter of registration as intended by Article 16, a data collection shall be conducted in accordance with its address and domicile.
- (2) Data collection of Ormas as intended by paragraph (1) shall be conducted by the district administrator or a similar function by any other titles.
- (3) Data collection of Ormas as intended by paragraph (1) shall include:

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- a. name and address of the organization;
- b. name of founder;
- c. objectives and activities; and
- d. structure of organisation.

Article 19

Further provisions on the procedure of registration and data collection of Ormas as intended by Article 16, Article 17 and Article 18 shall be stipulated by Government Regulations.

CHAPTER VI
RIGHTS AND OBLIGATIONS

Article 20

Ormas shall have the rights to:

- a. regulate and manage the household of the organization independently and transparently;
- b. attain rights on intellectual property for the name and symbols of the organisations according to the prevailing laws and regulations;
- c. strive for the aspirations and purposes of the organisations;
- d. conduct activities in order to achieve the purposes of the organisations;
- e. receive legal protection towards the existence and activities of the organisations;
- f. cooperate with the Government, Regional Governments, the private sector, other Ormas and parties in order to develop and sustain the organisations.

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Article 21

Civil Society Organizations are obliged to:

- a. implement activities in accordance with the purposes of the organisations;
- b. keep the unity and integrity of the nation as well as the integrity of the Unitary State of the Republic of Indonesia;
- c. preserve the values of religion, culture, morale, ethics and norms of decency as well as give benefit to the people;
- d. maintain social order and encourage the creation of peace within society;
- e. manage finances in a transparent and accountable manner; and
- f. participate in the accomplishment of the purposes of the state.

CHAPTER VII

ORGANISATION, POSITION AND MANAGEMENT

Part One

Organisation

Article 22

Ormas shall have a structure of organisation and management.

Article 23

Ormas with a national scope as intended by Article 8 letter a shall have a structure of organisation and management with a minimum of 25% (twenty-five percent) of the number of the provinces across Indonesia.

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Article 24

Ormas with a provincial scope as intended by Article 8 letter b shall have a structure of organisation and management with a minimum of 25% (twenty-five percent) of the number of the regencies/cities within 1 (one) province.

Article 25

Ormas with a scope of regencies/cities as intended by Article 8 letter c shall have a structure of organization and management in at least 1 (one) district (kecamatan).

Article 26

Ormas may have a structure of organization and management overseas in accordance with the needs of the organisation and the stipulations of the law.

Article 27

Ormas may perform activities in all territory of the Republic of Indonesia in accordance with the stipulations of the law.

Part Two
Position

Article 28

Ormas shall be located within the territory of the Republic of Indonesia as stipulated in their AD.

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Part Three
Management

Article 29

- (1) The management of Ormas on every level shall be elected through deliberation and consensus.
- (2) The management of Ormas as intended by paragraph (1) shall consist of at least:
 - a. 1 (one) chairperson, or a similar function by any other title;
 - b. 1 (one) secretary, or a similar function by any other title;
 - c. 1 (one) treasurer, or a similar function by any other title.
- (3) The management of Ormas in every level as intended by paragraph (1) has the duty and responsibility of managing Ormas.

Article 30

- (1) The management structure, system of turnover, rights and obligations of the management, authority, distribution of tasks and other matters pertaining to the management shall be stipulated in the AD and/or ART.
- (2) In case of management turnover, the new management structure shall be notified to the competent ministry, governor or regent/mayor within a maximum period of 30 (thirty) days since the management turnover.

Article 31

- (1) Members of management resigning or being dismissed from management shall not establish a similar management and/or a similar Ormas.

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- (2) In the event that a member of management resigning or being dismissed as intended by paragraph (1) establishes a similar management and/or Ormas, the existence of the aforementioned management and/or Ormas shall not be recognised by this Law.

Article 32

Further provisions on the structure, position and management of the organizations as intended by Article 22 to Article 31 shall be regulated within their AD and/or ART.

CHAPTER VIII
MEMBERSHIP

Article 33

- (1) Every citizen of Indonesia shall have the right to become a member of an Ormas.
- (2) Membership in an Ormas shall be voluntary and open.
- (3) Membership in an Ormas shall be regulated within its AD and/or ART.

Article 34

- (1) Every member of an Ormas shall have the same rights and obligations.
- (2) Rights and obligations of the members of Ormas shall be regulated in their AD and/or ART.

CHAPTER IX
AD AND ART OF ORMAS
Part One

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General

Article 35

- (1) Every Ormas being a juristic person / a legal entity / incorporated Ormas (mass organization/civil society organization) shall have an AD (articles of association) and ART (bylaw).
- (2) AD and ART as intended by paragraph (1) shall contain at least:
 - a. name and symbol;
 - b. location of domicile;
 - c. principles, purpose and function;
 - d. management;
 - e. rights and obligations of members;
 - f. financial management;
 - g. dispute settlement and internal monitoring mechanisms; and
 - h. dissolution of the organization.

Part Two

Amendments in the AD and ART of Ormas

Article 36

- (1) Amendments in the AD and ART shall be carried out through the highest decision-making forum within the Ormas.
- (2) Amendments in the AD and ART as intended by paragraph (1) shall be notified to the competent ministry, governor or regent/mayor within a maximum period of 60 (sixty) days since the amendment of the AD and ART.

CHAPTER X

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FINANCE

Article 37

- (1) The finances of an Ormas shall be obtained from:
 - a. membership dues;
 - b. aid/donations from society;
 - c. business profits of the Ormas;
 - d. aid/donations from foreigners or foreign institutions;
 - e. other legitimate activities; and/or
 - f. state budget and/or regional budget.
- (2) The financial management of an Ormas as intended by paragraph (1) shall be carried out in a transparent and accountable manner.
- (3) Financial management of an Ormas as intended by paragraph (2) shall utilize an account at a national bank.

Article 38

- (1) In the event that an Ormas collects and manages funds from membership dues as intended by Article 37 paragraph (1) letter a, the Ormas is obliged to make an accountability report in accordance with general accounting standards or in accordance with its AD and/or ART.
- (2) In the event that an Ormas collects and manages aid/donations from society as intended by Article 37 paragraph (1) letter b, the Ormas is obliged to announce the financial report to the public periodically.
- (3) Financial sources of Ormas as intended by Article 37 paragraph (1) letter c, letter d, letter e and letter f shall be utilized in accordance with the stipulations of the law.

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CHAPTER XI BUSINESS ENTITIES OF ORMAS

Article 39

- (1) In order to fulfil the needs and ensure the sustainability of the organisations, a juristic person / incorporated Ormas may establish business entities.
- (2) The management of business entities as intended by paragraph (1) shall be regulated in the AD and/or ART.
- (3) The establishment of business entities as intended by paragraph (1) shall be performed in accordance with the stipulations of the law.

CHAPTER XII EMPOWERMENT OF ORMAS

Article 40

- (1) The Government and/or Regional Government shall empower Ormas in order to improve their performance and ensure their sustainability.
- (2) In empowering Ormas as intended by paragraph (1), the Government and/or Regional Government shall respect and consider aspects of history, track records, roles and integrity of the Ormas in the life of society, nation and country.
- (3) Empowerment of Ormas as intended by paragraph (1) shall be carried out by:
 - a. policy facilitation;

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- b. strengthening organizational capacity; and
 - c. improving the quality of human resources.
- (4) Policy facilitation as intended by paragraph (3) letter a shall have the form of enactment of the law supporting the empowerment of Ormas.
- (5) Strengthening organizational capacity as intended by paragraph (3) letter b may take the form of:
- a. strengthening the management of organisation;
 - b. provision of data and information;
 - c. development of partnerships;
 - d. support of expertise, programmes and counseling;
 - e. strengthening leadership and regeneration;
 - f. granting of awards; and/or
 - g. research and development.
- (6) Improving the quality of human resources as intended by paragraph (3) letter c may take the form of:
- a. education and training;
 - b. internships; and/or
 - c. courses.
- (7) Further provisions on the empowerment of Ormas as intended by paragraph (1) to paragraph (6) shall be governed by a Government Regulation.

Article 41

- (1) In case of empowerment, Ormas may enter into cooperation with or attain support from other Ormas, society, and/or the private sector.

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- (2) Cooperation or support as intended by paragraph (1) may take the form of award granting, programmes, aid and operational support of the organisation.

Article 42

- (1) The Government forms an Ormas information system in order to improve public service and administrative compliance.
- (2) Ormas information system as intended by paragraph (1) shall be developed by related ministries or institutions coordinated and integrated by the ministry in charge of home affairs.
- (3) Further provisions on Ormas information system as intended by paragraph (1) and paragraph (2) shall be governed by Government Regulation.

CHAPTER XIII

ORMAS FOUNDED BY FOREIGN CITIZENS

Article 43

- (1) Ormas founded by foreign citizens may carry out activities within Indonesia's territory.
- (2) Ormas founded by foreign citizens as intended by paragraph (1) shall consist of:
 - a. A foreign foundation legal entity, or a similar institution by any other title / name;
 - b. A foundation legal entity founded by foreign citizens or by foreign citizens and Indonesian citizens; or
 - c. A foundation legal entity founded by a foreign legal entity .

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Article 44

- (1) Ormas founded by foreign citizens or similar institutions by any other titles as intended by Article 43 paragraph (2) letter a shall have a permit from the Government.
- (2) Government permit as intended by paragraph (1) shall consist of:
 - a. principle permit; and
 - b. operational permit.
- (3) Principle permit as intended by paragraph (2) letter a shall be issued by the minister in charge of government affairs in the field of foreign relations after receiving a recommendation from the team in charge of permit affairs.
- (4) Operational permit as intended by paragraph (2) letter b shall be issued by the Government and Regional Government in accordance with the law and regulations.

Article 45

- (1) In order to attain principle permit, Ormas as intended by Article 43 paragraph (2) letter a shall fulfil at least the following requirements:
 - a. Being a foreign foundation legal entity or a similar institution by any other title / name shall come from countries having diplomatic relations with Indonesia;
 - b. having non-profit organizational principles, goals and activities
- (2) Principle permit as intended by paragraph (1) shall be issued for a maximum period of 3 (three) years and may be extended.
- (3) Extension of principle permit as intended by paragraph (2) shall be requested at the latest 3 (three) months prior to its expiry.

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Article 46

- (1) Operational permit for civil society organizations as intended by Article 43 paragraph (2) letter a may only be issued after the issuance of a principle permit.
- (2) In order to attain operational permit, civil society organizations as intended by Article 43 paragraph (2) letter a shall have a written agreement with the Government in accordance with its field of activities.
- (3) Operational permit as intended by paragraph (1) is granted for a validity period no longer than that of the principle permit and may be extended.
- (4) Extension of operational permit as intended by paragraph (3) shall be proposed at least 3 (three) months prior to its expiration.

Article 47

- (1) Ormas as intended by Article 43 paragraph (2) letter b and paragraph (2) letter c shall be legalised by the minister in charge of government affairs in the field of law and human rights after getting a recommendation from the team in charge of permitting affairs.
- (2) Apart from having to comply with the prevailing laws and regulations on foundations, the legalisation of a foundation established by foreign citizens or foreign citizens together with Indonesian citizens as intended by Article 43 paragraph (2) letter b shall meet the minimum requirements as follows:
 - a. the foreign citizens founding the Ormas shall have resided in Indonesia for a minimum of 5 (five) consecutive years;

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- b. have a permanent stay permit;
 - c. the amount of initial assets of a foundation established by foreign citizens or foreign citizens together with Indonesian citizens, derived separately from the founders' private assets, shall amount to at least Rp1,000,000,000.00 (one billion rupiah) attested by a letter of statement by the board of founders of the organization regarding the legality of the assets;
 - d. one of the positions of the chairperson, secretary, or treasurer shall be held by an Indonesian citizen; and
 - e. a letter of statement by the founders that the activities of the foundation shall not be detrimental to the community, the nation, and/or the state of Indonesia.
- (3) Apart from having to comply with the prevailing laws and regulations on foundations, the legalisation of foundations established by foreign legal entities as intended by Article 43 paragraph (2) letter c, shall meet the minimum requirements as follows:
- a. the foreign legal entity founding the foundation shall have operated in Indonesia for a minimum of 5 (five) consecutive years;
 - b. the amount of initial assets of a foundation established by foreign citizen, derived separately from the founders' assets to be used as the foundation's initial assets, shall amount to at least Rp10,000,000,000.00 (ten billion rupiah) which shall be attested by a letter of statement by the board of founders of the organization regarding the legality of the assets;

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- c. one of the positions of the chairperson, secretary, or treasurer shall be held by an Indonesian citizen; and
- d. a letter of statement by the founders that the activities of the foundation shall not be detrimental to the community, the nation, and/or the state of Indonesia.

Article 48

In performing their activities, Ormas as intended by Article 43 paragraph (2) shall work in partnership with the Government and other Ormas founded by Indonesian citizens by the approval of the Government.

Article 49

The formation of the permit team as referred to in Article 44 paragraph (3) and Article 47 paragraph (1) is coordinated by the minister in charge of government affairs in the field of foreign affairs.

Article 50

Further provisions on permits, the permit team, and legalization of civil society organizations established by foreign citizens as intended by Article 43 to Article 49 shall be stipulated by Government Regulation.

Article 51

Ormas founded by foreign citizens as intended by Article 43 paragraph (2) are obliged to:

- a. respect the sovereignty of the Unitary State of the Republic of Indonesia;
- b. obey and comply with the prevailing laws and regulations;

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- c. respect and honour the religious values as well as customs and cultures within the Indonesian community;
- d. benefit the community, nation and state of Indonesia;
- e. publicise all sources, amount, and usage of funds; and
- f. present periodic reports to the Government or Regional Government and publicise the report through mass media in the Indonesian language.

Article 52

Ormas founded by foreign citizens as intended by Article 43 paragraph (2) shall be prohibited from:

- a. conducting any activities which contradict the prevailing laws and regulations;
- b. disrupting the stability and integrity of the Unitary State of the Republic of Indonesia;
- c. conducting intelligence activities;
- d. conducting political activities;
- e. conducting any activities that may disrupt diplomatic relations;
- f. conducting any activities contrary to the purpose of the organisation;
- g. raising funds from the Indonesian community; and
- h. using facilities and infrastructures of government agencies and institutions.

CHAPTER XIV
SUPERVISION

Article 53

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- (1) In order to improve work performance and accountability, Ormas or ormas founded by foreign citizens as intended by Article 43 paragraph (2) shall be supervised internally and externally.
- (2) Internal supervision towards Ormas or ormas founded by foreign citizens as intended by paragraph (1) shall be performed in accordance with the organizational mechanism in their AD.
- (3) External supervision as intended by paragraph (1) shall be undertaken by the community, Government, and/or Regional Government.

Article 54

- (1) To guarantee the functions and purpose of Civil Society Organizations, every Civil Society Organization or civil society organization established by foreign citizens as intended by Article 43 paragraph (2) shall have internal supervision.
- (2) Internal supervision as intended by paragraph (1) shall enforce the organisation's code of conduct and impose sanctions within the organisation.
- (3) The responsibility and authority of internal supervision as intended by paragraph (1) shall be regulated in the AD or ART of the organisation.

Article 55

- (1) Supervision by the community as intended by Article 53 paragraph (3) may be performed by raising complaints.
- (2) Complaints as intended by paragraph (1) are to be brought to the Government or Regional Government.

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Article 56

Further provisions on supervision by the community, Government and/or Regional Government towards Ormas or ormas founded by foreign citizens as intended by Article 53 to Article 55 shall be stipulated by a Government Regulation.

CHAPTER XV

SETTLEMENT OF DISPUTE WITHIN ORGANISATIONS

Article 57

- (1) In the event that an internal dispute within Ormas, Ormas shall have the authority to settle disputes through mechanisms regulated in the AD and ART.
- (2) In the event that a dispute settlement as intended by paragraph (1) is unattainable, the government may facilitate mediation at the request of the disputing parties.
- (3) Further provisions on the mechanisms of mediation as intended by paragraph (2) shall be stipulated by a Government Regulation.

Article 58

- (1) In the event that mediation as intended by Article 57 paragraph (2) is unattainable, dispute settlement of Ormas may be carried out by the district court.
- (2) Actions against the verdict of district courts may only be undertaken through the legal effort of cassation.
- (3) Disputes of Ormas as intended by paragraph (1) are obliged to get a verdict from the district court within a maximum period of 90

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(ninety) days since the registered date of case application in the district court.

- (4) In the event that a legal effort of cassation against the verdict of a district court as intended by paragraph (3), the Supreme Court is obliged to give a verdict within a maximum period of 60 (sixty) days since the registered date of cassation request in the registrar of the Supreme Court.

CHAPTER XVI
PROHIBITIONS

Article 59

- (1) Ormas are prohibited from:
- a. using flags or emblems similar to the national flag or emblem of the Republic of Indonesia as the flag or emblem of the Ormas;
 - b. using names, emblems, flags or attributes similar to the names, emblems, flags or attributes of government institutions;
 - c. using without permission the names, emblems and flags of other countries of international institutions/bodies as the name, emblem or flag of the Ormas;
 - d. using names, emblems, flags or symbols of the organisation which have similarities, whether in essence or in its entirety, with names, emblems, flags or symbols of separatist movement organizations or outlawed organizations; or
 - e. using names, emblems, flags or pictorial signs which have similarities, whether in essence or in its entirety, with names,

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emblems, flags or pictorial signs of other Ormas or political parties.

- (2) Ormas are prohibited from:
 - a. performing hostile activities towards any tribes, religions, races or groups;
 - b. abusing, defaming or desecrating the religious beliefs in Indonesia;
 - c. performing separatist activities which threaten the sovereignty of the Unitary State of the Republic of Indonesia;
 - d. undertaking acts of violence, disturbing peace and public order, or damaging public and social facilities; or
 - e. performing activities which fall under the duty and authority of law enforcement agencies in accordance with the prevailing law and regulations.
- (3) Ormas are prohibited from:
 - a. accepting donations from or giving donations to any parties in any form which contradicts the prevailing law and regulations; or
 - b. raising funds for political parties.
- (4) Ormas are prohibited from embracing, developing and spreading teachings or doctrines which contradict the Pancasila.

CHAPTER XVII
SANCTIONS

Article 60

- (1) The Government or Regional Government in accordance with its duty and authority imposes administrative sanctions towards

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Ormas violating the provisions as intended by Article 21 to Article 59.

- (2) The Government or Regional Government undertakes persuasive efforts before imposing administrative sanctions towards Ormas committing the violations as intended by paragraph (1).

Article 61

Administrative sanctions as intended by Article 60 paragraph (1) shall consist of:

- a. written warnings;
- b. termination of aids and/or grants;
- c. suspension of activities; and/or
- d. revocation of letter of registration or repeal of status as juristic person.

Article 62

- (1) Written warnings as intended by Article 61 letter a shall consist of:
 - a. first written warning;
 - b. second written warning; and
 - c. third written warning.
- (2) Written warnings as intended by paragraph (1) shall be given in stages and every written warning is valid within a period of maximum 30 (thirty) days.
- (3) In the event that an Ormas has complied with a written warning before the end of its validity period as intended by paragraph (2), the Government or Regional Government may revoke the aforementioned written warning.

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- (4) In the event that an Ormas does not comply with the first written warning within its validity period as intended by paragraph (2), the Government or Regional Government may issue a second written warning.
- (5) In the event that an Ormas does not comply with the second written warning within its validity period as intended by paragraph (2), the Government or Regional Government may issue a third written warning.

Article 63

- (1) In the event that an Ormas has been given the first written warning 2 (two) times, the Government or Regional Government may issue a second written warning.
- (2) In the event that an Ormas has been given the second written warning 2 (two) times, the Government or Regional Government may issue a third written warning.

Article 64

- (1) In the event that an Ormas does not comply with a third written warning as intended by Article 62 paragraph (5) and Article 63 paragraph (2), the Government or Regional Government may impose the following sanctions:
 - a. termination of aids and/or grants; and/or
 - b. suspension of activities.
- (2) In the event that an Ormas does not receive any aid and/or grants, the Government or Regional Government may impose the sanction of suspension of activities as intended paragraph (1) letter b.

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Article 65

- (1) In the event that the sanction of suspension of activities is imposed on an Ormas with a national scope, the Government is obliged to request a judicial consideration from the Supreme Court.
- (2) If within a period of maximum 14 (fourteen) days the Supreme Court has not issued a judicial consideration, the Government is authorized to impose the sanction of suspension of activities.
- (3) In the event that the sanction of suspension of activities is imposed on an Ormas with the scope of a province or regency/city, the head of regional government is obliged to request a consideration from the head of the Regional People's Representative Council, head of attorney's office and the chief of police in accordance with their level.

Article 66

- (1) The sanction of suspension of activities as intended by Article 64 paragraph (1) letter b shall be imposed for a period of maximum 6 (six) months.
- (2) In the event that the period of the suspension of activities as intended by paragraph (1) is being relieved, the concerned Ormas may resume activities in accordance with its purpose.
- (3) In the event that an Ormas has complied with the suspension of activities before the end of the period as intended by paragraph (1), the Government or Regional Government may withdraw the suspension of activities.

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Article 67

- (1) In the event that a non-juristic person Ormas does not comply with the sanction of suspension of activities as intended by Article 64 paragraph (1) letter b, the Government or Regional Government may impose the sanction of withdrawal of letter of registration.
- (2) The Government or Regional Government is obliged to request a judicial consideration from the Supreme Court before imposing the sanction of withdrawal of letter of registration as intended by paragraph (1).
- (3) The Supreme Court is obliged to give a judicial consideration as intended by paragraph (2) within a period of maximum 14 (fourteen) days since the receipt of the request for a judicial consideration.

Article 68

- (1) In case of a non-juristic person Ormas does not comply with the sanction of suspension of activities as intended by Article 64 paragraph (1) letter b, the Government imposes the sanction of revocation of its status as a legal entity.
- (2) The sanction of revocation of the status as a legal entity as intended by paragraph (1) is imposed after a court ruling with the force of law on the dissolution of the juristic-person Ormas.
- (3) The sanction of revocation of the status as a juristic person as intended by paragraph (1) shall be issued by the minister in charge of government affairs in the field of law and human rights.

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Article 69

- (1) The revocation of the status as a juristic person from an Ormas as intended by Article 69 paragraph (3) shall be carried out within a period of maximum 30 (thirty) days since the date of receipt of the copy of the court ruling with the force of law on the dissolution of the aforementioned Ormas.
- (2) The revocation of the status as a juristic person from an Ormas as intended by paragraph (1) shall be made public in the Official Gazette of the Republic of Indonesia.

Article 70

- (1) Request for the dissolution of a juristic-person Ormas as intended by Article 68 paragraph (1) is submitted to the district court by the attorney's office only with a written request from the minister in charge of government affairs in the field of law and human rights.
- (2) Request for the dissolution of an Ormas as intended by paragraph (1) shall be submitted to the head of the district court according to the legal domicile of the Ormas and a registrar shall take note of the request for dissolution according to the date of submission.
- (3) Request as intended by paragraph (2) shall be supplemented by proof of the imposition of administrative sanctions by the Government or Regional Government.
- (4) In case of a request as intended by paragraph (3) is not supplemented by proof of the imposition of administrative sanctions by the Government or Regional Government, the request for the dissolution of a legal entity Civil Society Organization may not be accepted.

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- (5) The district court shall determine a court date in a period of maximum 5 (five) working days since the date of the submission of the request for the dissolution of an Ormas.
- (6) A letter of summons for the first hearing must be received in an orderly manner by the parties at least 3 (three) days prior to the court date.
- (7) In a hearing as intended by paragraph (6), the Ormas as the defendant is given the right of self-defence by giving explanations and proofs in court.

Article 71

- (1) Request for the dissolution of an Ormas as intended by Article 70 paragraph (1) shall be decided by the district court within a period of maximum 60 (sixty) days since the date of receipt of the request.
- (2) The time period as intended by paragraph (1) may be extended for a maximum of 20 (twenty) days subject to approval of the Head of the Supreme Court.
- (3) The verdict of dissolution of an Ormas as intended by paragraph (1) and paragraph (2) shall be read in a public hearing.

Article 72

The district court shall submit a copy of the verdict of dissolution of an Ormas as intended by Article 71 to the applicant and the defendant as well as to the minister in charge of government affairs in the field of law and human rights within a period of maximum 7 (seven) days since the date of the reading of the verdict in a public hearing.

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Article 73

- (1) Action against a verdict of a district court as intended by Article 71 may only be taken by means of a cassation effort.
- (2) In case of no cassation effort being made against a district court verdict as intended by paragraph (1), a copy of the verdict shall be submitted to the applicant, the defendant, and the minister in charge of government affairs in the field of law and human rights within a period of maximum 21 (twenty-one) days since the reading of the verdict.

Article 74

- (1) Cassation effort as intended by Article 73 paragraph (1) shall be submitted within a period of maximum 14 (fourteen) days since the date of the reading of the court verdict before the parties.
- (2) In case of a reading of the court verdict as intended by paragraph (1) not attended by the parties, request for cassation shall be submitted within a period of maximum 14 (fourteen) days since the copy of the court verdict is received in an orderly manner by the parties.
- (3) Request for cassation as intended by paragraph (1) shall be submitted to the district court issuing the verdict of dissolution of the Ormas.
- (4) A registrar shall take note of the date of receipt of the request and the applicant shall be given a written receipt signed by the registrar.
- (5) The applicant for cassation is obliged to submit the memory of cassation to the registrar of the court within a maximum period of

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14 (fourteen) days of the date on which the application is recorded.

Article 75

- (1) The registrar is obliged to forward the aforementioned request for cassation and memory of cassation as intended by Article 74 to the defendant of the cassation within a period of maximum 2 (two) working days since the date the request for cassation is registered.
- (2) The defendant of the cassation may submit a counter-memory of cassation to the registrar of the court within a period of maximum 14 (fourteen) days since the date of receipt of the memory of cassation.
- (3) The registrar of the court is obliged to forward the request for counter-memory of cassation of the defendant to the cassation applicant within a period of maximum 2 (two) working days since the date of memory cassation is received.
- (4) The registrar of the court is obliged to forward the request for cassation, memory of cassation and counter-memory of cassation along with the files of the related case to the Supreme Court within a period of maximum 40 (fourty) days since the date the request for cassation is registered or maximum 7 (seven) days since the counter-memory of cassation is received.

Article 76

- (1) In the case when obligations as intended by Article 74 paragraph (5) are not fulfilled, the head of the district court shall submit a letter of statement to the Supreme Court declaring that the applicant for cassation has not submitted a memory of cassation.

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- (2) The letter of statement as intended by paragraph (1) shall be submitted within a period of maximum 2 (two) days since the expiration of the period for submission of the memory of cassation.

Article 77

- (1) The Supreme Court is obliged to study requests for cassation and determine a date for a court hearing within a period of maximum 5 (five) days since the aforementioned request for cassation has been filed by the registrar of the Supreme Court.
- (2) Request for cassation as intended by Article 75 shall be decided upon within a period of maximum 60 (sixty) days since the request for cassation has been filed by the registrar of the Supreme Court.

Article 78

- (1) The registrar of the Supreme Court is obliged to submit a copy of the decision upon a cassation request to the registrar of the district court within a period of maximum 20 (twenty) days since the date of said decision upon the cassation request.
- (2) The district court is obliged to submit a copy of the decision upon a cassation request as intended by paragraph (1) to the applicant for cassation, defendant of cassation and the minister in charge of government affairs in the field of law and human rights within a period of maximum 2 (two) working days of the date of receipt of said decision upon a cassation request.

Article 79

In case of a legal entity of foreign foundations or a similar institution by any other title as intended by Article 43 paragraph (2) letter a does not

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comply with the provisions as intended by Article 51 or Article 52, the Government or Regional Government in accordance with its authority imposes the following sanctions:

- a. written warning;
- b. cessation of activities;
- c. suspension of operational permit;
- d. revocation of operational permit;
- e. suspension of principle permit;
- f. revocation of principle permit; and/or
- g. immigration sanctions in accordance with the laws and regulations.

Article 80

Provisions on the imposition of sanctions upon Civil Society Organizations as intended by Article 60 to Article 78 shall apply *mutatis mutandis* towards the imposition of sanctions towards juristic persons of foundations established by foreign citizens or by foreign citizens together with Indonesian citizens or foundations established by a foreign juristic person.

Article 81

- (1) Every individual being a member or manager of an Ormas, or being a member or manager of civil society organizations established by foreign citizens, whether on their own or as a group, who commits a criminal offence, shall be persecuted in accordance with the stipulations of the law.
- (2) Every individual being a member or manager of an Ormas, or being a member or manager of ormas established by foreign

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citizens, whether on their own or as a group, who commits acts that are detrimental towards other parties, may be sued with the civil code by the aggrieved party in accordance with the laws and regulations.

Article 82

Further provisions on the imposition of sanctions upon Ormas, foreign legal entities of ormas established by foreign citizens and legal entities of Ormas foundations established by foreign citizens or foreign citizens together with Indonesian citizens as intended by Article 60 to Article 80 shall be stipulated by Government Regulations.

CHAPTER XVIII
TRANSITIONAL PROVISIONS

Article 83

Upon the entry into force of this Law:

- a. the existence of Ormas which are already juristic persons prior to this Law continues to be recognized in accordance with the stipulations of this Law;
- b. the existence and history of Ormas which are already juristic persons based on *Staatsblad* 1870 Number 64 on Juristic Person Associations (*Rechtspersoonlijkheid van Vereenigingen*) which was established prior to the Proclamation of Independence of the Republic of Indonesia, and are consistent in preserving the Unitary State of the Republic of Indonesia, shall continue to be recognized as assets of the nation and shall not be required to undergo procedures of registration as stipulated in this Law;

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- c. Letters of registration issued prior to this Law remain valid until their expiration; and
- d. ormas established by foreign citizens or foreign citizens together with Indonesian citizens, or operating foreign juristic persons shall adjust themselves to the stipulations of this Law within a period of maximum 3 (three) years since the entry into force of this Law.

CHAPTER XIX
CLOSING PROVISIONS

Article 84

Upon the effective date of this Law, all laws and regulations related to Civil Ormas are declared to remain valid to the extent that they are not in contradiction with the provisions of this Law.

Article 85

Upon the effective date of this Law, the Law Number 8 of the Year 1985 on Civil Society Organizations (State Gazette of the Republic of Indonesia of the Year 1985 Number 44, Additional State Gazette of the Republic of Indonesia Number 3298) is revoked and shall no longer be in effect.

Article 86

Implementing Regulations of this Law shall be enacted within a period of maximum 2 (two) years since the effective date of this Law.

Article 87

This Law shall apply as of the date of its enactment.

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For public cognizance, it is hereby ordered that this Law be promulgated in the State Gazette of the Republic of Indonesia.

Enacted in : Jakarta

On : 22 July 2013

PRESIDENT OF THE REPUBLIC OF INDONESIA

[Signed]

SUSILO BAMBANG YUDHOYONO

*Seal of the President of the
Republic of Indonesia*

Promulgated in : Jakarta

On 22 July 2013

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA

[Signed]

AMIR SYAMSUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 116 OF
2013

*Seal of the President of the
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ELUCIDATION
OF
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 17 OF 2013
ON
CIVIL SOCIETY ORGANISATIONS

1. GENERAL

The 1945 Constitution assures the freedom of association, assembly, and the freedom of expression of thought as well as advances any individual in the fight for their individual or collective rights to develop the society, nation, and the Unitary State of the Republic of Indonesia as the manifestation of human rights. Article 28J paragraph (2) of the 1945 Constitution states that in the implementation of freedom and human rights individually or collectively, every individual must adhere to the human rights of other persons and abide by the limitation set by the Law solely aimed to assure the recognition and respect for the rights and freedom of others and to meet a just demand in compliance with moral considerations, religious values, security, and public order in a democratic society.

Civil society organisations, hereinafter referred to as Ormas with its various forms, is present, grows, and develops in line with the development history in the life of the society, state and nation. In

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the annals of the struggle of Indonesia's independence, Ormas serves as the main tool in the movement of independence, among others, Boedi Oetomo, Muhammadiyah, Nahdlatul Ulama, and other Ormas established prior to the Indonesia's independence. The roles and track records of the Ormas that have fought sincerely and voluntarily for gaining independence contained the value of the nation's history and are the asset of the nation which was crucial for the nation's and the state's life.

The dynamic of Ormas development and the transition of governance system have led to a new paradigm in the governance of the Ormas in the life of the society, state, and nation. The growing number, the distribution, and types of activities of Ormas in democracy are increasingly demanding roles, functions, and responsibilities of the Ormas to partake in the realisation of the nation's aspiration, as well as maintaining and preserving the integrity and the sovereignty of the Unitary State of the Republic of Indonesia. The improvement of Ormas' roles and functions in the development is of particular importance in developing the Ormas' management system which meets the sound rules of the Ormas as a democratic, professional, independent, transparent, accountable non-profit organisation.

Pancasila (state ideology) is the basis and the philosophy in the life of the society, nation, and state. Therefore, every citizen, either as individual or as collective, including Ormas must make the Pancasila as the breath, soul, and spirit in managing Ormas. The recognition and respect for the 1945 Constitution and Pancasila as

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the basis and the philosophy in the life of the nation and state must abide by and adhere to the Ormas diversity which shared the organisational principles of struggle consistent with Pancasila, and so does the Ormas make Pancasila as their organisational principle.

International associations have led to the consequence of the interaction between Ormas in one country and Ormas in another country. The presence of Ormas from other countries in Indonesia must respect the sovereignty of the Unitary State of the Republic of Indonesia, benefit for the society, nation, and state as well as respect the social and cultural values of the society, abide by and adhere to the prevailing laws in Indonesia. Therefore, Law regulates Ormas founded by foreign nationals and foreign legal entities operating in Indonesia.

The dynamics of Ormas with its complexities require a more comprehensive management and legal arrangement. The existing Law Number 8 of 1985 on Civil Society Organisations (State Gazette of the Republic of Indonesia Number 44 of 1985) is no longer consistent with the needs and the dynamics in the life of the society, nation, and state. To that end, Law Number 8 of 1985 on Civil society organisations needs to be replaced.

Law on Civil Society Organisations consists of 19 Chapters and 87 Articles. This Law regulates: definition, principles, characteristics, and properties; purposes, functions, and scopes; the establishment; registration; rights and obligations; organisation,

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position, and management; membership; Statutes and Bylaws; financing, enterprises; and empowerment of Ormas. In addition, this Law regulates Ormas founded by foreign nationals or even foreign Ormas operating in Indonesia: supervision: the dispute resolution of the organisation; prohibitions; and sanctions. The arrangement is expected to be able to be a better regulation and give benefits to the system in the life of the society, nation, and state.

II. ARTICLE BY ARTICLE

Article 1

Self-explanatory.

Article 2

Self-explanatory.

Article 3

Self-explanatory.

Article 4

Self-explanatory.

Article 5

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

Self-explanatory.

Letter d

Self-explanatory.

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Letter e

Self-explanatory.

Letter f

Self-explanatory.

Letter g

Self-explanatory.

Letter h

"to realise the goal of the state" means as set out in the preamble of the 1945 Constitution, that is, "to protect the entire Indonesian nation and the entire Indonesian native land, and in order to advance general welfare, to develop the intellectual life of the nation, and to partake in implementing world order based upon independence, eternal peace and social justice.

Article 6

Self-explanatory.

Article 7

Self-explanatory.

Article 8

Self-explanatory.

Article 9

Self-explanatory.

Article 10

Self-explanatory.

Article 11

Self-explanatory.

Article 12

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Self-explanatory.

Article 13

Self-explanatory.

Article 14

Self-explanatory.

Article 15

Self-explanatory.

Article 16

Self-explanatory.

Article 17

Self-explanatory.

Article 18

Self-explanatory.

Article 19

Self-explanatory.

Article 20

Self-explanatory.

Article 21

Self-explanatory.

Article 22

Self-explanatory.

Article 23

Self-explanatory.

Article 24

Self-explanatory.

Article 25

Self-explanatory.

Article 26

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Self-explanatory.

Article 27

Self-explanatory.

Article 28

Self-explanatory.

Article 29

Self-explanatory.

Article 30

Self-explanatory.

Article 31

Self-explanatory.

Article 32

Self-explanatory.

Article 33

Self-explanatory.

Article 34

Self-explanatory.

Article 35

Self-explanatory.

Article 36

Self-explanatory.

Article 37

Self-explanatory.

Article 38

Self-explanatory.

Article 39

Self-explanatory.

Article 40

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Self-explanatory.

Article 41

Self-explanatory.

Article 42

Self-explanatory.

Article 43

Self-explanatory.

Article 44

Self-explanatory.

Article 45

Self-explanatory.

Article 46

Self-explanatory.

Article 47

Self-explanatory.

Article 48

Self-explanatory.

Article 49

Self-explanatory.

Article 50

Self-explanatory.

Article 51

Self-explanatory.

Article 52

Letter a

Self-explanatory.

Letter b

Self-explanatory.

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Letter c

Self-explanatory.

Letter d

“political activities” means any activities which disrupt political stability in Indonesia, fundraising for political position, or political propaganda.

Letter e

Self-explanatory.

Letter f

Self-explanatory.

Letter g

Self-explanatory.

Letter h

“facilities and infrastructures of government agencies and institutions” means offices, service vehicles, employees, and office equipment.

Article 53

Self-explanatory.

Article 54

Self-explanatory.

Article 55

Self-explanatory.

Article 56

Self-explanatory.

Article 57

Self-explanatory.

Article 58

Self-explanatory.

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Article 59

Paragraph (1)

Letter a

Self-explanatory.

Letter b

Self-explanatory.

Letter c

“without permission” means without permission of the owner of the name, the owner of emblem, or flag of the state, institution/ international agencies.

Letter d

Self-explanatory.

Letter e

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

“teachings or doctrines which contradict the Pancasila” means atheism, communism/marxism-leninism teachings.

Article 60

Self-explanatory.

Article 61

Letter a

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Self-explanatory.

Letter b

“termination of aids and/or grants” means termination carried out by the Government and/or Regional Government over aids and/or grants originating from state budget and/or regional budget.

Letter c

Temporary termination of the activities in this provision exclude internal activities, such as internal meeting performed by the Ormas.

Letter d

Self-explanatory.

Article 62

Self-explanatory.

Article 63

Self-explanatory.

Article 64

Self-explanatory.

Article 65

Self-explanatory.

Article 66

Self-explanatory.

Article 67

Self-explanatory.

Article 68

Self-explanatory.

Article 69

Self-explanatory.

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Article 70

Paragraph (1)

"request" does not mean as a *voluntair* case which is examined in an *ex parte*, but it must be examined in *contentiusa*, which means the relevant parties should be withdrawn as a defendant to meet the principles of *audi et alteram partem*.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Self-explanatory.

Paragraph (7)

Self-explanatory.

Article 71

Self-explanatory.

Article 72

Self-explanatory.

Article 73

Self-explanatory.

Article 74

Self-explanatory.

Article 75

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Self-explanatory.

Article 76

Self-explanatory.

Article 77

Self-explanatory.

Article 78

Self-explanatory.

Article 79

Self-explanatory.

Article 80

Self-explanatory.

Article 81

Self-explanatory.

Article 82

Self-explanatory.

Article 83

Self-explanatory.

Article 84

Self-explanatory.

Article 85

Self-explanatory.

Article 86

Self-explanatory.

Article 87

Self-explanatory.

Unofficial Translation

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SUPPLEMENT TO STATE GAZETTE OF THE REPUBLIC OF INDONESIA
NUMBER 5430

Unofficial Translation

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