

Tim Redaksi BIP



UNDANG-UNDANG DASAR NEGARA REPUBLIK INDONESIA

TAHUN 1945

- Amandemen dengan Penjelasannya
- Lengkap Bagian-Bagian yang Diamandemen
- Proses dan Perubahan Amandemen
- Profil Presiden dan Wakil Presiden Negara Republik Indonesia
- Pancasila, Sumpah Pemuda, Teks Proklamasi dan Piagam Jakarta



**UNDANG-UNDANG DASAR
NEGARA REPUBLIK INDONESIA TAHUN 1945**

Oleh: Tim Redaksi BIP

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**UNDANG-UNDANG DASAR
NEGARA REPUBLIK INDONESIA
TAHUN 1945
PEMBUKAAN
(Preamble)**

Bahwa sesungguhnya kemerdekaan itu ialah hak segala bangsa dan oleh sebab itu, maka penjajahan di atas dunia harus dihapuskan, karena tidak sesuai dengan perikemanusiaan dan peri-keadilan.

Dan perjuangan pergerakan kemerdekaan Indonesia telah sampailah kepada saat yang berbahagia dengan selamat sentausa mengantarkan rakyat Indonesia ke depan pintu gerbang kemerdekaan Negara Indonesia, yang merdeka, bersatu, berdaulat, adil dan makmur.

Atas berkat rakhmat Allah Yang Maha Kuasa dan dengan didorongkan oleh keinginan luhur, supaya berkehidupan kebangsaan yang bebas, maka rakyat Indonesia menyatakan dengan ini kemerdekaannya.

Kemudian dari pada itu untuk membentuk suatu Pemerintah Negara Indonesia yang melindungi segenap bangsa Indonesia dan seluruh tumpah darah Indonesia dan untuk memajukan kesejahteraan umum, mencerdaskan kehidupan bangsa, dan ikut melaksanakan ketertiban dunia yang berdasarkan kemerdekaan, perdamaian abadi dan keadilan sosial, maka disusunlah Kemerdekaan Kebangsaan Indonesia itu dalam suatu Undang-Undang Dasar Negara Indonesia, yang terbentuk dalam suatu susunan Negara Republik Indonesia yang berkedaulatan rakyat dengan berdasarkan kepada Ketuhanan Yang Maha Esa, Kemanusiaan Yang Adil dan Beradab, Persatuan Indonesia dan Kerakyatan yang dipimpin oleh hikmat kebijaksanaan dalam Permusyawaratan/Perwakilan, serta dengan mewujudkan suatu Keadilan sosial bagi seluruh rakyat Indonesia.

**UNDANG-UNDANG DASAR
(NASKAH ASLI SEBELUM DI AMANDEMEN)**

**BAB I
BENTUK DAN KEDAULATAN**

Pasal 1

- (1) Negara Indonesia ialah Negara Kesatuan, yang berbentuk Republik.
- (2) Kedaulatan adalah di tangan rakyat, dan dilakukan sepenuhnya oleh Majelis Permusyawaratan Rakyat.

**BAB II
MAJELIS PERMUSYAWARATAN RAKYAT**

Pasal 2

- (1) Majelis Permusyawaratan Rakyat terdiri atas anggota-anggota Dewan Perwakilan Rakyat, ditambah dengan utusan-utusan dari daerah-daerah dan golongan-golongan, menurut aturan yang ditetapkan dengan undang-undang.

- (2) Majelis Permusyawaratan Rakyat bersidang sedikitnya sekali dalam lima tahun di ibu kota negara.
- (3) Segala putusan Majelis Permusyawaratan Rakyat ditetapkan dengan suara yang terbanyak.

Pasal 3

Majelis Permusyawaratan Rakyat menetapkan Undang-Undang Dasar dan garis-garis besar daripada haluan negara.

BAB III

KEKUASAAN PEMERINTAHAN NEGARA

Pasal 4

- (1) Presiden Republik Indonesia memegang kekuasaan pemerintahan menurut Undang-Undang Dasar.
- (2) Dalam melakukan kewajibannya Presiden dibantu oleh satu orang Wakil Presiden.

Pasal 5

- (1) Presiden memegang kekuasaan membentuk undang-undang dengan persetujuan Dewan Perwakilan Rakyat.

- (2) Presiden menetapkan peraturan pemerintah untuk menjalankan undang-undang sebagaimana mestinya.

Pasal 6

- (1) Presiden ialah orang Indonesia asli.
- (2) Presiden dan Wakil Presiden dipilih oleh Majelis Permusyawaratan Rakyat dengan suara yang terbanyak.

Pasal 7

Presiden dan Wakil Presiden memegang jabatannya selama masa lima tahun, dan sesudahnya dapat dipilih kembali.

Pasal 8

Jika Presiden mangkat, berhenti, atau tidak dapat melakukan kewajibannya dalam masa jabatannya, ia diganti oleh Wakil Presiden sampai habis waktunya.

Pasal 9

Sebelum memangku jabatannya, Presiden dan Wakil Presiden bersumpah menurut agama, atau berjanji dengan sungguh-sungguh di hadapan Majelis

Permusyawaratan Rakyat atau Dewan Perwakilan Rakyat sebagai berikut:

Sumpah Presiden (Wakil Presiden):

Demi Allah, saya bersumpah akan memenuhi kewajiban Presiden Republik Indonesia (Wakil Presiden Republik Indonesia) dengan sebaik-baiknya dan seadil-adilnya, memegang teguh Undang-Undang Dasar dan menjalankan segala undang-undang dan peraturannya dengan selurus-lurusnya serta berbakti kepada Nusa dan Bangsa.

Janji Presiden (Wakil Presiden):

Saya berjanji dengan sungguh-sungguh akan memenuhi kewajiban Presiden Republik Indonesia (Wakil Presiden Republik Indonesia) dengan sebaik-baiknya dan seadil-adilnya, memegang teguh Undang-Undang Dasar dan menjalankan segala undang-undang dan peraturannya dengan selurus-lurusnya serta berbakti kepada Nusa dan Bangsa.

Pasal 10

Presiden memegang kekuasaan yang tertinggi atas Angkatan Darat, Angkatan Laut dan Angkatan Udara.

Pasal 11

Presiden dengan persetujuan Dewan Perwakilan Rakyat menyatakan perang, membuat perdamaian dan perjanjian dengan negara lain.

Pasal 12

Presiden menyatakan keadaan bahaya. Syarat-syarat dan akibatnya keadaan bahaya ditetapkan dengan undang-undang.

Pasal 13

- (1) Presiden mengangkat duta dan konsul.
- (2) Presiden menerima duta negara lain.

Pasal 14

Presiden memberi grasi, amnesti, abolisi dan rehabilitasi.

Pasal 15

Presiden memberi gelaran, tanda jasa dan lain-lain tanda kehormatan.

BAB IV
DEWAN PERTIMBANGAN AGUNG

Pasal 16

- (1) Susunan Dewan Pertimbangan Agung ditetapkan dengan undang-undang.
- (2) Dewan ini berkewajiban memberi jawab atas pertanyaan Presiden dan berhak memajukan usul kepada pemerintah.

BAB V
KEMENTERIAN NEGARA

Pasal 17

- (1) Presiden dibantu oleh menteri-menteri negara.
- (2) Menteri-menteri itu diangkat dan diperhentikan oleh Presiden.
- (3) Menteri-menteri itu memimpin departemen pemerintah.

BAB VI

PEMERINTAH DAERAH

Pasal 18

Pembagian daerah Indonesia atas daerah besar dan kecil, dengan bentuk susunan pemerintahannya ditetapkan dengan undang-undang, dengan memandang dan mengingat dasar permusyawaratan dalam sistem pemerintahan negara, dan hak-hak asal-usul dalam daerah-daerah yang bersifat istimewa.

BAB VII

DEWAN PERWAKILAN RAKYAT

Pasal 19

- (1) Susunan Dewan Perwakilan Rakyat ditetapkan dengan undang-undang.
- (2) Dewan Perwakilan Rakyat bersidang sedikitnya sekali dalam setahun.

Pasal 20

- (1) Tiap-tiap undang-undang menghendaki persetujuan Dewan Perwakilan Rakyat.

- (2) Jika sesuatu rancangan undang-undang tidak mendapat persetujuan Dewan Perwakilan Rakyat, maka rancangan tadi tidak boleh dimajukan lagi dalam persidangan Dewan Perwakilan Rakyat masa itu.

Pasal 21

- (1) Anggota-anggota Dewan Perwakilan Rakyat berhak memajukan rancangan undang-undang.
- (2) Jika rancangan itu, meskipun disetujui oleh Dewan Perwakilan Rakyat, tidak disahkan oleh Presiden, maka rancangan tadi tidak boleh dimajukan lagi dalam persidangan Dewan Perwakilan Rakyat masa itu.

Pasal 22

- (1) Dalam hal ihwal kegentingan yang memaksa, Presiden berhak menetapkan peraturan pemerintah sebagai pengganti undang-undang.
- (2) Peraturan pemerintah itu harus mendapat persetujuan Dewan Perwakilan Rakyat dalam persidangan yang berikut.
- (3) Jika tidak mendapat persetujuan, maka peraturan pemerintah itu harus dicabut.

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BAB XII

PERTAHANAN NEGARA

Pasal 30

- (1) Tiap-tiap warga negara berhak dan wajib ikut serta dalam usaha pembelaan negara.
- (2) Syarat-syarat tentang pembelaan diatur dengan undang-undang.

BAB XIII

P E N D I D I K A N

Pasal 31

- (1) Tiap-tiap warga negara berhak mendapat pengajaran.
- (2) Pemerintah mengusahakan dan menyelenggarakan satu sistem pengajaran nasional, yang diatur dengan undang-undang.

Pasal 32

Pemerintah memajukan kebudayaan nasional Indonesia.

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pokok pikiran ini mewujudkan cita-cita hukum (Rechtsidee) yang menguasai hukum dasar Negara, baik hukum yang tertulis (undang-undang dasar), maupun hukum yang tidak tertulis.

Undang-undang Dasar menciptakan pokok-pokok pikiran ini dalam pasal-pasalanya.

IV. Undang-undang dasar bersifat singkat dan supel

Undang-undang dasar hanya memuat 37 pasal. Pasal-pasal lain hanya memuat peralihan dan tambahan. Maka rencana ini sangat singkat jika dibandingkan misalnya dengan undang-undang dasar Filipina.

Maka cukup jikalau undang-undang dasar hanya memuat aturan-aturan pokok, hanya memuat garis-garis besar sebagai instruksi, kepada Pemerintah Pusat dan lain-lain penyelenggara Negara untuk menyelenggarakan kehidupan Negara dan kesejahteraan sosial. Terutama bagi negara baru dan negara muda, lebih baik hukum dasar yang tertulis itu hanya memuat aturan-aturan pokok, sedang aturan-aturan yang menyelenggarakan aturan-aturan itu diserahkan kepada undang-undang yang lebih mudah caranya membuat, merubah dan mencabut.

Demikian sistem undang-undang dasar.

Kita harus senantiasa ingat kepada dinamik kehidupan masyarakat dan negara Indonesia. Masyarakat dan Negara

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yang memegang kekuasaan Negara yang tertinggi, sedang Presiden harus menjalankan haluan Negara menurut garis-garis besar yang telah ditetapkan oleh majelis. Presiden yang diangkat oleh Majelis, tunduk dan bertanggungjawab kepada Majelis. Ia ialah “mandataris” dari Majelis, ia wajib menjalankan putusan-putusan Majelis. Presiden tidak “neben”, akan tetapi “untergeordnet” kepada Majelis.

IV. Presiden ialah penyelenggara pemerintah negara yang tertinggi dibawahnya majelis.

Di bawah Majelis Permusyawaratan Rakyat, Presiden ialah penyelenggara pemerintah Negara yang tertinggi.

Dalam menjalankan pemerintahan Negara, kekuasaan dan tanggungjawab adalah ditangan Presiden (concentration of power and responsibility upon the President).

V. Presiden tidak bertanggungjawab kepada Dewan Perwakilan Rakyat.

Disamping Presiden adalah Dewan Perwakilan Rakyat. Presiden harus mendapat persetujuan Dewan Perwakilan Rakyat untuk untuk membentuk Undang-undang (Gesetzgebung) dan untuk menetapkan anggaran pendapatan dan belanja Negara (“Staatsbegroting”). Oleh karena itu Presiden harus bekerja bersama-sama dengan Dewan,

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dalam majelis, sehingga Majelis itu akan betul-betul dapat dianggap sebagai penjelmaan rakyat.

Ayat 1

Yang disebut “golongan-golongan”, ialah Badan-badan seperti koperasi Serikat Pekerja danlain-lain Badan Kolektif. Aturan demikian memang sesuai dengan aliran zaman. Berhubung dengan anjuran mengadakan sistem koperasi dalam ekonomi, maka ayat ini mengingatkan akan adanyagolongan-golongan dalam Badan-badan ekonomi.

Ayat 2

Badan yang akan besar jumlahnya bersidang sedikit-dikitnya sekali dalam 5 tahun.Sedikit-dikitnya, jadi kalau perlu dalam 5 tahun tentu boleh bersidang lebih dari sekali dengan mengadakan Persidangan istimewa.

Pasal 3

Oleh karena Majelis Permusyawaratan Rakyat memegang kedaulatan Negara, maka kekuasaannya tidak terbatas, mengingat dinamik masyarakat, sekali dalam 5 tahun, Mejelis memperhatikan segala yang

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Palembang dan sebagainya. Daerah-daerah itu mempunyai susunan asli, dan oleh karenanya dapat dianggap sebagai daerah yang bersifat istimewa.

Negara Republik Indonesia menghormati kedudukan daerah-daerah istimewa tersebut dan segala peraturan negara yang mengenai daerah itu akan mengingat hak-hak asal-usul daerah tersebut.

Bab VII

Dewan Perwakilan Rakyat

Pasal-pasal: 19, 20, 21 dan 23

Lihatlah di atas

Dewan ini harus memberi persetujuannya kepada tiap-tiap rancangan undang-undang dari Pemerintah. Pun Dewan mempunyai hak inisiatif untuk menetapkan undang-undang.

- III Dewan ini mempunyai juga hak begroting pasal 23. Dengan ini, Dewan Perwakilan Rakyat mengontrol Pemerintah. Harus diperingati pula bahwa semua anggota Dewan ini merangkap menjadi anggota Majelis Permusyawaratan Rakyat.

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itu kekuasaan dan kewajiban badan itu ditetapkan dengan undang-undang.

Bab IX

Kekuasaan Kehakiman

Pasal 24 dan 25

Kekuasaan kehakiman ialah kekuasaan yang merdeka artinya terlepas dari pengaruh kekuasaan pemerintah. Berhubung dengan itu harus diadakan jaminan dalam undang-undang tentang kedudukannya para hakim.

Bab X

Warga Negara

Pasal 26

Ayat 1

Orang-orang bangsa lain, misalnya orang peranakan Belanda, peranakan Tionghoa dan peranakan Arab, yang bertempat tinggal di Indonesia, mengakui Indonesia sebagai tanah airnya dan bersikap setia

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Bab XV

Bendera dan Bahasa

Pasal 35

Telah jelas.

Pasal 36

Telah jelas.

Di daerah-daerah yang mempunyai bahasa sendiri, yang dipelihara oleh rakyatnya dengan baik- baik (misalnya bahasa Jawa, Sunda, Madura, dsb.) bahasa-bahasa itu akan dihormati dan diperlihara juga oleh negara.

Bab XVI

Perubahan Undang-undang Dasar

Pasal 37

Telah jelas.

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- (2) Presiden memberi amnesti dan abolisi dengan memperhatikan pertimbangan Dewan Perwakilan Rakyat.

Pasal 15

Presiden memberi gelar, tanda jasa, dan lain-lain tanda kehormatan yang diatur dengan undang-undang.

Pasal 17

- (2) Menteri-menteri itu diangkat dan diberhentikan oleh Presiden.
- (3) Setiap menteri membidangi urusan tertentu dan pemerintahan.

Pasal 20

- (1) Dewan Perwakilan Rakyat memegang kekuasaan membentuk undang-undang.
- (2) Setiap rancangan undang-undang dibahas oleh Dewan Perwakilan Rakyat dan Presiden untuk mendapat persetujuan bersama.
- (3) Jika rancangan undang-undang itu tidak mendapat persetujuan bersama, rancangan undang-undang itu tidak boleh diajukan lagi dalam persidangan Dewan Perwakilan Rakyat masa itu.
- (4) Presiden mengesahkan rancangan undang-

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Pasal 18

- (1) Negara Kesatuan Republik Indonesia dibagi atas daerah-daerah provinsi dan daerah provinsi itu dibagi atas kabupaten dan kota, yang tiap-tiap provinsi, kabupaten, dan kota mempunyai pemerintah daerah, yang diatur dengan undang-undang.
- (2) Pemerintah daerah provinsi, daerah kabupaten, dan kota mengatur dan mengurus sendiri urusan pemerintahan menurut asas otonomi dan tugas pembantuan.
- (3) Pemerintahan daerah provinsi, daerah kabupaten, dan kota memiliki Dewan Perwakilan Rakyat Daerah yang anggota-anggotanya dipilih melalui pemilihan umum.
- (4) Gubernur, Bupati, dan Walikota masing-masing sebagai kepala pemerintah daerah provinsi, kabupaten, dan kota dipilih secara demokratis.
- (5) Pemerintah daerah menjalankan otonomi seluas-luasnya, kecuali urusan pemerintahan yang oleh undang-undang ditentukan sebagai urusan Pemerintah Pusat.

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Pasal 22A

Ketentuan lebih lanjut tentang tata cara pembentukan undang-undang diatur dengan undang-undang.

Pasal 22 B

Anggota Dewan Perwakilan Rakyat dapat diberhentikan dari jabatannya, yang syarat-syarat dan tata caranya diatur dalam undang-undang.

Bab IXA

WILAYAH NEGARA

Pasal 25E

Negara Kesatuan Republik Indonesia adalah sebuah kepulauan yang berciri Nusantara dengan wilayah yang batas-batas dan hak-haknya ditetapkan dengan undang-undang.

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harta benda yang di bawah kekuasaannya, serta berhak atas rasa aman dan perlindungan dari ancaman ketakutan untuk berbuat atau tidak berbuat sesuatu yang merupakan hak asasi.

- (2) Setiap orang berhak untuk bebas dari penyiksaan atau perlakuan yang merendahkan derajat martabat manusia dan berhak memperoleh suaka politik dari negara lain.

Pasal 28H

- (1) Setiap orang berhak hidup sejahtera lahir dan batin, bertempat tinggal, dan mendapatkan lingkungan hidup yang baik dan sehat serta berhak memperoleh pelayanan kesehatan.
- (2) Setiap orang berhak memperoleh kemudahan dan perlakuan khusus untuk memperoleh kesempatan dan manfaat yang sama guna mencapai persamaan dan keadilan.
- (3) Setiap orang berhak atas jaminan sosial yang memungkinkan pengembangan dirinya secara utuh sebagai manusia yang bermartabat.
- (4) Setiap orang berhak mempunyai hak milik pribadi dan hak milik tersebut tidak boleh diambil alih secara sewenang-wenang oleh siapa pun.

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Bab XV

BENDERA, BAHASA, DAN LAMBANG NEGARA, SERTA LAGU KEBANGSAAN

Pasal 36A

Lambang Negara ialah Garuda Pancasila dengan semboyan Bhinneka Tunggal Ika.

Pasal 36B

Lagu Kebangsaan ialah Indonesia Raya.

Pasal 36C

Ketentuan lebih lanjut mengenai Bendera, Bahasa, dan Lambang Negara, serta Lagu Kebangsaan diatur dengan undang-undang.

Ditetapkan di Jakarta
pada tanggal 18 Agustus 2000

Ketua

Prof. DR. H.M. Amien Rais

Wakil Ketua

Prof. DR. IR. Ginandjar Kartasasmita

Drs. Kwik Kian Gie

H. Matori Abdul Djalil

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24C Ayat (1), (2), (3), (4), (5) dan (6) UUD NKRI Tahun 1945 sehingga selengkapnya menjadi berbunyi sebagai berikut:

Pasal 1

- (1) Kedaulatan berada di tangan rakyat dan dilaksanakan menurut Undang-Undang Dasar.
- (2) Negara Indonesia adalah negara hukum.

Pasal 3

- (1) Majelis Permusyawaratan Rakyat berwenang mengubah dan menetapkan UUD.
- (2) Majelis Permusyawaratan Rakyat melantik Presiden dan/atau Wakil Presiden.
- (4) MPR hanya dapat memberhentikan Presiden dan/atau Wakil Presiden dalam masa jabatannya menurut UUD.

Pasal 6

- (1) Calon Presiden dan calon Wakil Presiden harus seorang warga negara Indonesia sejak kelahirannya dan tidak pernah menerima kewarganegaraan lain karena kehendaknya sendiri, tidak pernah mengkhianati negara, serta mampu secara rohani dan jasmani untuk

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paripurna untuk meneruskan usul pemberhentian Presiden dan/atau Wakil Presiden kepada MPR.

- (6) Majelis Permusyawaratan Rakyat wajib menyelenggarakan sidang untuk memutuskan usul MPR tersebut paling lambat tiga puluh hari sejak MPR menerima usul tersebut.
- (7) Keputusan Majelis Permusyawaratan Rakyat atas usul pemberhentian Presiden dan/atau Wakil Presiden harus diambil dalam rapat paripurna Majelis Permusyawaratan Rakyat yang dihadiri oleh sekurang-kurangnya $\frac{3}{4}$ dari jumlah anggota dan disetujui oleh sekurang-kurangnya $\frac{2}{3}$ dari jumlah anggota yang hadir, setelah Presiden dan/atau Wakil Presiden diberi kesempatan menyampaikan penjelasan dalam rapat paripurna MPR.

Pasal 7C

Presiden tidak dapat membekukan dan/atau membubarkan Dewan Perwakilan Rakyat.

Pasal 8

- (1) Jika Presiden mangkat, berhenti, diberhentikan, atau tidak dapat melakukan kewajibannya

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BAB VIIB PEMILIHAN UMUM

Pasal 22E

- (1) Pemilihan umum dilaksanakan secara langsung, umum, bebas, rahasia, jujur, dan adil setiap lima tahun sekali.
- (2) Pemilihan umum diselenggarakan untuk memilih anggota DPR, DPD, Presiden dan Wakil Presiden dan DPRD.
- (3) Peserta pemilihan umum untuk memilih anggota Dewan Perwakilan Rakyat dan anggota Dewan Perwakilan Rakyat Daerah adalah partai politik.
- (4) Peserta pemilihan umum untuk memilih anggota DPD adalah perseorangan.
- (5) Pemilihan umum diselenggarakan oleh suatu komisi pemilihan umum yang bersifat nasional, tetap, dan mandiri.
- (6) Ketentuan lebih lanjut tentang pemilihan umum diatur dengan undang-undang.

Pasal 23

- (1) Anggaran pendapatan dan belanja negara sebagai wujud dari pengelolaan keuangan

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- (2) Hakim agung harus memiliki integritas dan kepribadian yang tidak tercela, adil, profesional, dan berpengalaman di bidang hukum.
- (3) Calon hakim agung diusulkan Komisi Yudisial kepada Dewan Perwakilan Rakyat untuk mendapatkan persetujuan dan selanjutnya ditetapkan sebagai hakim agung oleh Presiden.
- (4) Ketua dan wakil ketua Mahkamah Agung dipilih dari dan oleh hakim agung.
- (5) Susunan, kedudukan, keanggotaan, dan hukum acara Mahkamah Agung serta badan peradilan di bawahnya diatur dengan undang-undang.

Pasal 24B

- (1) Komisi Yudisial bersifat mandiri yang berwenang mengusulkan pengangkatan hakim agung dan mempunyai wewenang lain dalam rangka menjaga dan menegakkan kehormatan, keluhuran martabat, serta perilaku hakim.
- (2) Anggota Komisi Yudisial harus mempunyai pengetahuan dan pengalaman di bidang hukum serta memiliki integritas dan kepribadian yang tidak tercela.



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