

THE *DPR-RI* STANCE
ON
THE REFORM PROCESS

and

**THE RESIGNATION OF
PRESIDENT SOEHARTO**

SECRETARIAT GENERAL OF
THE HOUSE OF REPRESENTATIVES OF
THE REPUBLIC OF INDONESIA

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FOREWORD



We should be deeply gratified to *Allah the Great* that after an arduous preparation, the *DPR-RI* Secretariat General has managed to publish a book entitled : "The Stance of the House of Representatives of the Republic of Indonesia (*DPR-RI*) on the Reform Process and the Resignation of President Soeharto". This is demonstrated by the cautious and thorough process in editing the selected and scrutinized materials which are based on accurate data. The cautious and thorough approach was adopted because the book contains a compilation of historic events that decisively determine the Indonesian nation's journey.

The materials collected are focused on the months, weeks, days and even seconds surrounding the resignation of President Soeharto from his Presidency, as a result of the people's wide-spread aspirations, including those expressed by students to the *DPR-RI*.

The people voiced their aspirations for the resignation of President Soeharto, because of the complexity of prevailing problems that started with the monetary crisis and subsequently led to an economic as well as political crises, as a matter of fact, it developed into a crisis of confidence. At that time, the people seemed to be impatient and they wanted to extricate themselves as soon as possible from the ongoing turmoil, especially to overcome the political, economic and legal crises. There was a growing tendency that the solution of these crises needed fundamental efforts which do not merely rely on economic measures but on an urgent political action.

In this connection, and cognizant that in constitutional terms the House of Representatives is a supreme state institution representing the people which has certain privileges in the execution of its duty and function, it serves as a liaison in the fulfillment of the people's basic aspirations. This is the reason why it has to adopt a stance on the domestic political situation that demanded political and economic reform.

At that time, the House had to take a very difficult political decision because, on the one hand, President Soeharto has just took up his office after

being elected, installed and decided upon by the People's Consultative Assembly (*MPR*), whose members are concurrently House members as well. On the other hand, the House could not ignore the demand of the people at large for a fundamental and rapid political change, and subsequently through its working mechanism, it channeled the people's aspirations which basically consist of the following: demands for total reform, constitutional resignation of the President and Special Session of *MPR-RI*.

Internally, the House Members have also agreed to improve its working mechanism, particularly of its constitutional rights which so far has been considered by the general public to be ineffective because, among other things, it has never used its Initiative Rights by the submission of a Bill on Initiative Proposal.

Finally, in all humbleness we, together with staff members of the House Secretariat General, who are responsible to support any work which is aimed at ameliorating the *DPR-RI* performance, have exerted our best possible effort to produce something of value for the interest of the people at large.

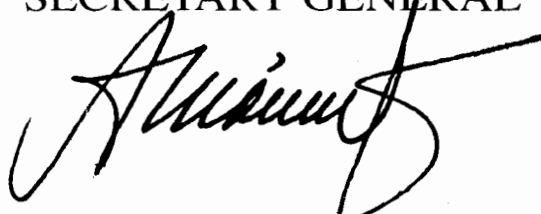
Hopefully, the publication of this book would provide a wider horizon to its readers, primarily those who have a keen interest in issues related to the

promotion and execution of the House's function, duty and authority as a legislative body and a channel of the people's aspirations.

We shall not omit to express our appreciation to those who have given their attention, support and ideas to enable the publication of this book. We pray to *Allah the Great* for His blessings and wise guidance, may our joint endeavor be useful for our life as society, nation and state within the Unitary State of the Republic of Indonesia, which is founded on Pancasila and the 1945 Constitution.

Jakarta, 24 October 1998

SECRETARY GENERAL

A handwritten signature in black ink, appearing to read 'Afif Maroef', written in a cursive style.

DRS. AFIF MAROEF

**THE *DPR-RI* STANCE
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PART I

As the People's Representatives Body, the function and role of *DPR* are, among others, to absorb, accommodate and channel the people's aspirations. The people's growing dynamism and aspirations, whether manifested in writing or through delegations that come to *DPR* for a dialogue and to meet with its Factions and Commissions, will be accommodated by the House and subsequently forwarded to the Executive branch. This is carried out through working meetings in a consultative forum between the House Leaders and the President of the Republic of Indonesia.

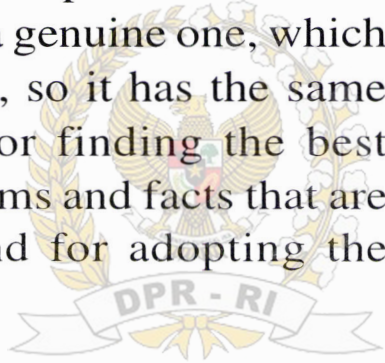
It is precisely in this connection that on April 29, 1998; the House Leaders have consulted with President Soeharto, not only to accommodate the people's growing aspirations but also in the context of the execution of the House's function and task, as stipulated by the House Internal Rules of Order. The main purpose and intention of the consultation between the House Leaders and the President on April 29, 1998; were as follow :

First : regarding the start of the Fourth Session Period of the 1997/1998 Session Year of *DPR-RI* on May 4, 1998.

Second: in the effort to promote partnership between *DPR-RI* and the Government, in the light of recent events.

Third : in connection with the formation of the Seventh Development Cabinet, the House shall immediately choose the working partners of its Commissions in the discharge of its duty and function, whether its legislative, supervisory and budgetary functions to ensure the best possible cooperation and partnership with the executive branch.

The partnership being developed between the House and the Government is a genuine one, which is aimed at empowering *DPR*, so it has the same strong power and position for finding the best possible solution to the problems and facts that are developing in the society and for adopting the appropriate measures.



In this connection, the House and Factions Leaders pay a great attention and are imbued with a high spirit that the House's works and performance must be upgraded to the maximum, in relation to its legislative, budgetary and supervisory functions, especially in the light of the crisis our country is facing at present.

At the start of their duty, the House Leaders underline President Soeharto's installment speech that he shall always listen and pay attention to, as well as accommodate, all constructive criticism, whether it is covert and vague or overt and strong/sharp. Undoubtedly, his statement stimulates the House empowerment, which is aimed at improving the execution of its duty and function as a legislative body.

Following closely the aspirations of society and students in their response to recent developments, the House fully understands and positively responds to them. In compliance with the House Internal Rules of Order, the people's wish to have a dialogue with the House is channeled through its Factions and Commissions, because they are indeed open for such a dialogue and they accommodate the people's aspirations. The communication through a dialogue is being developed in House meetings, precisely Public Hearings, which hopefully are held with greater frequency compared to Working Meetings and, if the need arises, they could be convened alternately.

On account of the domestic political situation and the growing communication that escalated in the form of intensified expression of aspirations for various political and economic changes or reforms, the House, with the concurrence of Factions, is of the opinion that they have to be seriously studied and watched, while drawing the Government's attention to wisely and appropriately respond to them. A conclusion can be drawn from these observations that they are genuine aspirations worth responding.

In relation to these trends, the efforts to improve the House's works and performance, or to maximize its duties, cover the following points that have been presented to the President :

a. The Execution of House Initiative Rights.

As a legislative body, the House, together with the Government, has the obligation to execute the mandate prescribed by the Major State Policy Guidelines in the development of Law, where a coordination with the Government is required in order to establish a more harmonious cooperation in the implementation of a joint task to formulate laws (National Legislative Program). In this connection, a House Working Group is established with 20 members, representing all factions, led by the House Vice Speaker. In addition to take an inventory of the Bills that have to be deliberated upon in the next five years and to plan the annual program, it is also necessary to draw House Initiative Bills. In the first stage, there are 3 (three) Initiative Bills :

- 1). Bill on Anti Monopoly;
- 2). Bill on Consumer's Protection;
- 3). Bill on *Haj* and *Umroh* Pilgrimages;

The purpose is not only to comply with clause (1) Article 21 of the 1945 Constitution but also to answer the people's question why is it that the House has never used its initiative rights since the New Order government. To this end, a series of preparations have been conducted, including preliminary meetings with the Minister of Justice and Minister/State Secretary and their staff. Hopefully, the President shall approve the use of these initiative rights. Furthermore, the House stands ready to deliberate on several Bills that will be submitted to the Government, including Government Regulation in Lieu of Law on Bankruptcy, Amendment to law on Banking, Bill on Capital Investment, Amended Law on Central Bank and other very urgent legislative products.

b. The Execution of House Supervisory Function.

The function shall be actively carried out with a "catch the ball" method, through the following :

- 1). An increased number of Public Hearings;
- 2). Working Meetings with the Government. The House Leaders hope that the Working Meetings' quality meets the expectation, especially with the formation of a New Cabinet. As is expected by the President, the Government should respond to the execution of the supervisory function and it should be completed in a comprehensive manner.

On May 4, 1998, the Government issued Presidential Instructions Number 69 and 70 of 1998 on Fuel Oils Prices and Electricity Basic Tariff Increases.

While the people are enduring more sufferings, as a result of the monetary crisis, the issuance of these instructions has put an even heavier burden on the people, because the fuel oils prices hike has affected other sectors as well.

On May 8, 1998; the *DPR-RI*, through Commission V, has asked clarification from the Government, c.q. the Minister of Mines and Energy, on this fuel oils prices hike. The outcome

of the meeting with Commission V was a request by the Minister of Mines and Energy for further consultations with the Coordinating Minister for Economic, Financial and Industrial Affairs and other related Ministers.

On May 14, 1998; at 7.30 p.m. WIT (West Indonesia Time), a consultative meeting was held between the House Vice Speaker/Coordinator for Economic and Financial Affairs with the Minister of Finance and the Minister of Mines and Energy, with the purpose of asking further the Government's clarification on the House's conclusion/recommendation to lower fuel oils prices and electricity tariff.

The atmosphere that evening was rather tense and some participants to the meeting, including the Minister of Mines and Energy, came late because several streets were blocked after office buildings and shopping malls were burned down in several parts of the city.

On May 15, 1998; in a combined meeting between Commissions V, VIII and the Minister of Mines and Energy and the Minister of Finance, the

Government, in the end, revoked Presidential Instructions Number 69 and 70.

Motivated by the people's aspirations, as represented by the *DPR-RI*, through Commissions V and VIII, the Government lowered fuel oils prices, namely : premium gasoline from Rp 1200/liter to Rp. 1000/liter; kerosene from Rp 350/liter to Rp 280/liter; diesel oil from Rp 600/liter to Rp 550/liter.

c. The Execution of House Budgetary Rights.

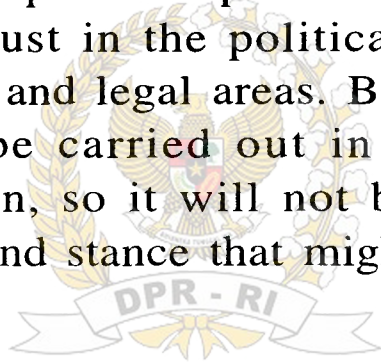
The House and Factions Leaders have agreed to monitor continuously the execution of the Law on State Budget.

PART II

On May 1, 1998; President Soeharto has invited the Leaders of the House, Factions and Social and Political Organizations, as well as Coordinating Ministers, Ministers, Armed Forces Commander-in-Chief, Chiefs of Staff of the three Services and State Police for a consultation. During the meeting, the President has stated, among other things, the following :

- a. The people may certainly express their opinion, concept, and views on the need to change the political system, including the general elections, which is now referred to as reform.
- b. In this connection, reform proposals may be submitted to the House Factions. The President also suggested that should the House have any reform ideas in the future, it must make the initiative, because it has the initiative rights.
- c. The President believes reform is a natural thing that is worth thinking about. However, he reminded us that reform has already

started before the independence proclamation in 1945, not just in the political, but also economic and legal areas. But the reform must be carried out in a constructive fashion, so it will not be confined to views and stance that might harm stability.



- d. The President refuted the criticism that the legislative branch is dominated by the executive. Because everything has been properly regulated, so why all the fuss. For example, the President will endorse the House initiative rights.

On May 5, 1998; the House Leaders held a consultative meeting with Factions Leaders, it was aimed at discussing the follow-up of the consultation and meeting with the President, focusing on the issue about everybody's wish for reforms in various aspects of life as the nation's potential pillars and consistent with the constitutional boundaries based on Pancasila and the 1945 Constitution. Whereas the conclusion of the consultative meeting on May 5, 1998; was, among others:

1. All factions underlined what the President has said on the demand for reform.
2. It was agreed that the House's National Legislative Program Team shall immediately take proactive steps with a view to deliberating Political, Economic and Legal reforms, by the improvement of legislative rulings.

On May 12, 1998; the demonstrators at the Trisakti University clashed with security apparatus. The incident claimed 4 (four) Trisakti students who died and many more were seriously injured. On May 13-14, 1998; riots broke out, shops were burned and looted in the Jakarta and Tangerang areas, resulting in hundreds of deaths and huge material losses.

During a House Leaders' meeting to discuss the people's aspirations for a Special Session, whereby the President will be asked to submit his accountability report or to resign constitutionally, in line with the people's aspirations, the House Leaders have decided, at a consultative meeting with President Soeharto,

to ask him to resign in accordance with the constitution.

On May 14, 1998; the House Leaders sent a letter number *KD.02/1262/DPR-RI/1998* to the President for a consultation in responding to the latest developments, particularly in the light of what happened after the Trisakti Incident on May 12, 1998; and the ensuing mass riots on May 13 - 14, 1998. In the meantime, news circulated that during the President's Speech before the Indonesian community in Cairo, Egypt; he stated that he stands ready to resign if the people wanted him to. On that occasion, President Soeharto said that if the people really do not want him to be the President any longer, he is prepared to resign. He would not defend his position with the use of force. He would resign and bring himself closer to the One Supreme God, to his family, children and grandchildren. However, the President also underlined that all of this must be performed constitutionally. "If it were to be carried out unconstitutionally, it would betray Pancasila and the 1945 Constitution". This was a big news and it was widely quoted and made headlines in the

mass media that the President was ready to resign. However, the next day this news was rectified by the Minister of Information.

The rectification of the Minister of Information is as follow :

The President never said that he was going to resign, says Minister Alwi Dahlan. As to the news that the President was ready to resign, according to the Minister, these words were not spoken in the speech before the Indonesian community in Cairo last Wednesday. President said that if the people no longer trusted him, this would not be a problem. President Soeharto said himself that "if they don't trust me, it's OK. I would not defend it with arms."

"Probably, I no longer enjoy the people's trust, hence, I shall become a sage, I shall bring myself closer to God. To give guidance to my children to become good individuals, I can also give advice to the people and I shall follow the example sets by the nation," says the Minister of Information, quoting the President's speech before the Indonesian community in Cairo.

On May 14, 1998; a letter addressed to the President was prepared, containing the House Leaders' intention to have a consultation as soon as he returns home in order to discuss the following :

1. Clarification on President's statement that he was prepared to resign;
2. The situation at home.

On May 15, 1998; the subject-matter of the consultation was changed (after the rectification by the Minister of Information on the President's Speech) into :

First : The House shall submit a Reform Agenda;

Second : To present the people's aspirations, whether they come from the Capital or various provinces, to the House. They basically contain the following three items :

- The desire for a total reform,
- The desire for the President's resignation.

- The desire for the holding of an *MPR* Special Session.

On Saturday May 16, 1998; following the confirmation from the President's residence (*Jalan Cendana*), the House Leaders, together with the Secretary General, were supposed to be received at 11.00 a.m. *WIT*. They already arrived at 10.30 a.m. *WIT*, while the President was still in a meeting with the Teaching Staff and Professors Senate led by the Rector of the University of Indonesia.

In the consultation conducted by the House Leaders on May 16, 1998; at 11.00 a.m. *WIT*, they have submitted the House's agenda on Reform. It covers, among other things, the improvement, completion and enactment of laws, comprising :

In political area, the Bills on General Elections, on Political Parties and on the Composition and Status of *MPR*, *DPR* and *DPRD* (Provincial Legislative Body).

In the economic area, the Bill on Anti Monopoly and on Consumers' Protection.

Furthermore, the House stands ready to discuss these Bills with the Government, such as the Bill on Banking and the Rules in Lieu of Law on Bankruptcy.

In the law area, the Bills on Subversion and on Corruption.

Moreover, the House Leaders also submitted the people's aspirations, whether through the House or statements resulting from dialogues with Members of the House and Factions, from the acceptance of invitations extended by the academic community, seminars and so on, including also from commissions. These aspirations can be *summarized* that :

- First : the desire for the Government to make a total reform.
- Second : the people's desire for the President's resignation.
- Third : the desire for a Special Session of *MPR*.

About the Total Reform, the President has this to say :

- 1). The Government shall make reform and

the President says that reform will proceed.

- 2). The President shall reshuffle the Cabinet.
- 3). The President shall use his authority to protect the people, citizens and national assets and to defend Pancasila and the 1945 Constitution. "For this purpose I shall set up a Command for Security and Order" says the President. One of the Speakers, namely *DPR-RI* Vice Speaker/Coordinator for Industrial and Development Affairs, *Haj* Ismail Hasan Metareum, SH., says "please don't do that Sir, because the international community will have a bad impression about us." He replied : "That is a foreign impression, this is our own domestic affairs, let it be."

With regard to the people's aspirations for the President's resignation, he answered : "it is up to the House Factions." Mr. *Haj*. Harmoko, as the Speaker, interrupted, "Sir, don't you think the *MPR* Factions would be better because, after all, they were the ones which elected you as President."

The President replied : "it is not necessary, because the *DPR* has 500 members who are concurrently *MPR* members too." Then, the House Leaders did not mention about it anymore, nor did the President about the *MPR* Special Session. He continues that if the House Factions no longer trusted him and he must therefore resign, he says : "*as far as I am concerned, it does not really matter and I am willing to resign.*"

After the consultation, the House Leaders issued the following statement :

1. The President promises to continue with reform.
2. The President shall reshuffle the Cabinet.
3. The President shall exercise his authority to protect the people, citizens and national assets and to defend Pancasila and the 1945 Constitution.

On Sunday, May 17, 1998; the House Leaders continued to watch and monitor the situation around the House, because according to the press statement circulated by the mass media, the President says that if there were aspirations for

his resignation, they should be presented to the House, and as a result of this, thousands of students and people came in drove to the House.

On May 18, 1998; the House Leaders held consultative meetings alternately with each Faction. It was evident from the meetings that they too have received various aspirations from the people about the President's resignation and that it should be done in accordance with the constitution. The outcome of each consultation was eventually discussed by the House Leaders.

The House Leaders' meeting at that time also discussed in depth about the rapid developments, particularly in the *DPR* building, and they decided to have a consultation meeting with the President. Next, they charged the House Secretary General to prepare a letter containing the request for a consultative meeting with the President on May 19, 1998; after 12.00 o'clock noon. The meeting continued and it was agreed that the House Leaders will issue a press statement. Later on, they held a press conference before hundreds of local and foreign journalists from printed and electronic media. The *DPR-RI*

Speaker, *Haj* Harmoko reads the following press statement :

"During today's meeting, the House Leaders have studied thoroughly and seriously the very rapid national developments and events related to the people's aspirations for reform, including the holding of an *MPR* Special Session and the Resignation of the President.

In order to discuss this issue, tomorrow on May 19, 1998; the House Leaders will hold a meeting with Factions Leaders. Its outcome will be presented to President Soeharto.

This is the mechanism which operates under the House Internal Rules, because to adopt a decision, the House Leaders should have the concurrence of Factions Leaders.

In response to such a situation, the House Speaker and Vice Speakers hope that *for the sake of national unity and cohesion, the President should wisely and sagaciously resign.*

The House Leaders appeal to the people at large to remain calm, exercise self-restraint, preserve unity and cohesion and create peace and order so that everything shall proceed in

accordance with the constitution."

This press statement was issued by the House Leaders and immediately distributed to the general public through the press corps at the House. It has had quite an encouraging and tremendous response from the people and it was widely covered by the mass media, both at home and abroad. In the same evening, the Minister of Defence/Commander-in-Chief responded to it by saying that what the House Leaders said in the press statement was an individual statement and it did not have any legal basis, even though it was delivered collectively. On May 19, 1998; a consultative meeting was held between the House and Factions Leaders. While the meeting was underway, it was momentarily adjourned to listen to the President's explanation on television which stated, among other things, the following :

For the sake of the survival of nation and country, National Development, Pancasila and the 1945 Constitution, and the nation's unity and cohesion in accordance with the power vested by the *MPR*, the President, as its Mandatary shall, constitutionally, adopt the following measures :

1. The President shall personally conduct and lead the national reform as quickly as possible;
2. A **Reform Committee** shall be set up, with membership consisting of prominent community leaders and experts from Universities, who are in charge of immediately finalizing the Laws on General Elections, on Political Parties, on Composition and Status of *MPR*, *DPR* and *DPRD*, on Anti Monopoly, on Anti Corruption and others;
3. To hold General Elections as soon as possible, governed by the new General Elections Law;
4. To convene a General Session of the newly-elected *MPR* in order to formulate the Major State Policy Guidelines, elect the President and Vice President and adopt other *MPR* Decrees;
5. To state the refusal to be a Presidential candidate again;
6. To reshuffle the Cabinet, so the previous **Seventh Development Cabinet** becomes

the **Reform Cabinet**;

7. The Armed Forces (*ABRI*) should preserve national vigilance and security, maintain law and order together, and hand-in-hand, with the whole of the people.

The consultative meeting was continued and it adopted a number of agreements, as follow :

1. On Reform,

That the people's aspirations and demand for a total reform, as perceived by the House, should be carried out in a sustainable manner.

For this purpose, the House expedites the execution of the reform agenda on political, economic and legal areas and this will be implemented during the current Session Period.

2. On the President's Resignation,

With regard to the people's aspirations for the President's resignation as presented by the House Leaders to the President, the Factions fully understand and agree that this should be conducted constitutionally.

The outcome of the consultation between the House and Factions Leaders on May 19, 1998; was delivered on the same day by the House Leaders to the general public during a press conference.

The result of this consultation means that the Factions Leaders concurred with the press statement released by the House Leaders on May 18, 1998.

After the consultation, the House Leaders sent a letter number *KD.02/1330/DPR-RI/1998* to the President, informing him about the outcome of the meeting between the House and Factions Leaders, in response to the latest events at that moment. The content of the letter is as follow :

"in response to the latest events, the DPR-RI Leaders held a meeting with the House Factions, namely : the Armed Forces Faction, the Functional Development Faction, the Unity Development Faction and the Indonesian Democratic Faction on Tuesday, May 19, 1998. In this connection, we present herewith the

agreement reached at the meeting between the House and Factions Leaders (enclosed). Referring to our previous letter, we have also sent a letter requesting for a consultative meeting with the President. Thus, we thank you, Mr. President, for your kind attention and indulgence."

The letter dated May 19, 1998; is referred to the one dated May 18, 1998; on the House's intention to have a consultation with the President, but his answer was not forthcoming.

On Wednesday, May 20, 1998; the House Leaders were waiting for the President's answer. Meanwhile, the Students Senate was urging to have a meeting with the House Leaders. The students' request was fulfilled, because the House Leaders also wanted to give information about the latest developments. In a meeting with a dozen of representatives of the students senate who were at the House building on that afternoon, the House Leaders explained about the process of the request for a consultation with the President. It was explained that pursuant to this request, they are still awaiting the President's answer. The

students were asking "when", and the House Leaders responded : "well, we just have to wait".

The House Leaders expressed their hope that everything should proceed in accordance with the constitution. The Speaker went further that *if until Friday there was still no answer from* the President on the request for a consultation, they would invite Factions Leaders to discuss the possibility of holding an *MPR* Special Session. Heretofore, the student representatives could accept this explanation. In pursuance thereof, they released a press statement.

On May 20, 1998; the House Leaders stayed on until late in the evening at the *DPR*, and finally they went home at around 9.30 p.m. *WIT*. At about 11.00 p.m. *WIT*, they got a call from the President's adjutant, saying that they would be received for a consultative meeting with the President at the *Merdeka* Palace on May 21 at 9.00 a.m. *WIT*. That evening, they immediately tried to find more information about what is going to happen on May 21, 1998. Next, they phoned (the then) Vice President Habibie. As a matter of fact, the Speaker was informed that the

President would resign on May 21, 1998 and the Vice President would take the oath of office as President. Immediately, the Speaker phoned the Secretary General to inform all Vice Speakers to come to his residence, first thing in the morning at 7.30 a.m. *WIT*, due the short available time, the meeting could not be held in the office.

On May 21, 1998; at 7.30 a.m. *WIT*, the House Vice Speakers, dressed in lounge suit, were gathered at the Speaker's residence to discuss the subject-matter to be raised during the consultation with the President. The Speaker explained to them about the latest developments with regards to the plan of the President's resignation. For this purpose, in conformity with Article 8 of the 1945 Constitution and *MPR Decree No. VII/MPR/1973*, which stipulates in its Article 2 :

Clause (1) : "Should the President be permanently incapacitated, he shall be succeeded by the Vice President until the expiry of his term of office."

Clause (2) : "Before assuming the office of the President, as prescribed by

clause (1) of this Article, the Vice President takes the oath or pledge before the House of Representatives."

Clause (3) : "If the House of Representatives, as stipulated in this Article, was *unable* to hold a meeting, before assuming the office of the President, the Vice President takes the oath or pledge before the Supreme Court."

The House Leaders take the stance of adhering to Article 8 of the 1945 Constitution and Article 2 of *MPR* Decree No. VII/*MPR*/1973, so when the President does really resign, the Vice President shall take the oath before the House Plenary Sitting, that is, the following day, Friday, May 22, 1998; because Thursday, May 21, 1998; happened to be a public holiday, i.e. the Ascension Day.

Next, the House Secretary General was asked to go first to the *Merdeka* Palace, to coordinate all the things related to the planned resignation of President Soeharto and the oath-taking of the

Vice President as the President of the Republic of Indonesia.

In the meantime, the House Leaders left the official residence at 8.15 a.m. *WIT*. As they arrived at the Palace, they met with the Chief Justice. Apparently, he was already informed by State Secretary Saadillah Mursyid about President Soeharto's resignation. In compliance with Article 8 of the 1945 Constitution and *MPR* Degree No. VII/*MPR*/1973 clause (3) Article 2, the House Speakers asked the Chief Justice : "is this in conformity with the constitution ?". The latter replied that it is legal. The reason is that Thursday, May 21, 1998; was a public holiday and there were still many people and students milling around and inside the *DPR* building. This means that the ceremony could not be held at the *DPR*, whereas in the opinion of the Chief Justice, there must not be a "vacuum" and everything should be done at that very moment. Under such circumstances, the House Speaker told him, "well, in that case, please let the Supreme Court send a letter to the House for documentary purposes".

This is a consensus reached with the Chief

Justice. While the House Leaders were engaged in a conversation, he was asked to see the President at the Jeparo room. Afterwards, the House Leaders were also requested to meet with President Soeharto at the Jeparo room. At that time, only the House Speakers were received by the President, while the Secretary General remained in the room. The House Leaders consisted of the Speaker, *Haj* Harmoko and the Vice Speakers, i.e.: Mr. Syarwan Hamid, Mr. Ismail Hasan Metareum, SH., Mr. dr. Abdul Gafur and Mrs. Fatimah Achmad, SH. On that occasion, the House Speaker explained about the request for consultation submitted in a letter. He touched upon its background which basically is to present the outcome of the meeting between the House and Factions Leaders.

After hearing the Speaker's explanation, President Soeharto asked : "Are there any other documents to be submitted ?". The Speaker replied : "No, because they are already enclosed in the letter dated May 19". The President said : "Good, in accordance with Article 8 of the 1945 Constitution and Article 2 of *MPR* Decree No. VII/*MPR*/1973 and by taking seriously into

account the recommendations and opinion of the House and Factions Leaders, I shall resign as President."

Furthermore, the President said : "All of you please stay in this room, I shall announce it to the people and subsequently the Vice President will take his Oath as the President before the Supreme Court." The complete statement is as follows :

The resignation statement by Mr. Soeharto as the President of the Republic of Indonesia, at the *Merdeka* Palace, May 21, 1998.

"Bismillahirrahmanirrahim,

Fellow Countrymen,

Assalamu'alaikum Warahmatullahi Wabarakatuh

During these recent times, I have been following carefully the developments of our national situation, especially the aspirations of the people for reforms in all sectors of the life of our nation and state. Based on my deep understanding of these aspirations and prompted by the conviction that these reforms need to be implemented in an orderly, peaceful and

constitutional manner for the sake of maintaining the nation's unity and cohesion, as well as for the continuity of national development, I declared a plan to set up a Reform Committee and to change the composition of the Seventh Development Cabinet.

But the reality to date has shown that the Reform Committee cannot be materialized because there was no adequate response to the plan to set up that committee. In the wish of implementing these reforms in the best manner possible, I deem that faced with the impossibility of forming the committee, changes in the composition of the Seventh Development Cabinet are no longer necessary.

Considering the above developments, I am of the opinion that it would be very difficult for me to execute in a good manner, duties in governing the State and development. Therefore, *in line with Article 8 of the 1945 Constitution and after earnestly taking into consideration the views of the House and Factions Leaders, I have decided to resign from my post as the President of the Republic of Indonesia as of the time I read this*

statement on this day, Thursday, May 21, 1998. I have conveyed this statement, about me stepping down from the post of the President of the Republic of Indonesia to you, Leaders of DPR-RI, who are concurrently Leaders of MPR, during this morning's courtesy call.

Pursuant to Article 8 of the 1945 Constitution, the Vice President of the Republic of Indonesia, Prof. Dr. B.J. Habibie is the one who will conclude the remainder of the presidential term, holder of mandate/Mandatarry of MPR for the 1998/2003 period.

For the assistance and support of the people while I led the nation and State of Indonesia, I express my thanks and I seek forgiveness if there were any mistakes and shortcomings. May the Indonesian nation remain glorious with Pancasila and 1945 Constitution. As of this day too, the Seventh Development Cabinet is outgoing (*demissioned*) and to the ministers I convey my thanks.

Because conditions do not allow the taking of oath in front of the House of Representatives, to prevent a "vacuum" of Leadership in implement-

ing the governing of the State, the Vice President should take the Presidential Oath of Office at this very moment before the Supreme Court of the Republic of Indonesia."

As soon as the announcement of his resignation was made and Vice President Habibie took the Oath before the Supreme Court, Mr. Soeharto returned to the Jepara room. The House Leaders were all standing before Mr. Soeharto who, politely and with the hands folded downward in front of him, immediately said : "Ladies and Gentlemen, as of this moment I am no longer a President. Hopefully, as *DPR/MPR* Leaders, you would also help to defend this nation and country, thank you". He then shook hands with the *DPR* Leaders and left the room.

After Mr. Soeharto has left the room, they went directly to the previous room where Mr. Habibie, the Chief Justice and the Commander-in-Chief were present, the latter has just made his statement. The House Leaders extended their congratulations to Mr. Habibie who has just took his Presidential Oath in compliance with Article 8 of the 1945 Constitution. Afterwards, they left the room and the press asked about the legality of

Mr. Habibie's installment as President. The House Speaker replied firmly that : "The resignation of the President and the Oath-taking of the Vice President as President before the Supreme Court is legal according to the constitution."

Jakarta, 21 May 1998.

Speaker,

Sgd.

Haj HARMOKO

Vice Speaker,

Sgd.

SYARWAN HAMID

Vice Speaker.

Sgd.

Vice Speaker,

Sgd.

dr. ABDUL GAFUR

Vice Speaker.

Sgd.

Haj ISMAIL H. METAREUM, SH. *Hajjah* FATIMAH ACHMAD, SH.



PHOTOS



LEADERS OF *DPR-RI* FOR THE 1997/2002 PERIOD



Speaker *DPR-RI*
Haj HARMOKO



Vice Speaker *DPR-RI*
SYARWAN HAMID



Vice Speaker *DPR-RI*
dr. ABDUL GAFUR



Vice Speaker *DPR-RI*
Haj ISMAIL HASAN METAREUM, SH.



Vice Speaker *DPR-RI*
Hajjah FATIMAH ACHMAD, SH.

Footnote : On May 23, 1998; Vice Speaker Syarwan Hamid was installed as the Minister for Home Affairs.

LEADERS OF *DPR-RI* FOR THE 1997/2002 PERIOD



Speaker *DPR-RI*
Haj HARMOKO



Vice Speaker *DPR-RI*
HARI SABARNO, S.I.P., MBA., MM.



Vice Speaker *DPR-RI*
dr. ABDUL GAFUR



Vice Speaker *DPR-RI*
Haj ISMAIL HASAN METAREUM, SH.



Vice Speaker *DPR-RI*
Hajjah FATIMAH ACHMAD, SH.

Footnote : Hari Sabarno, S.IP. MBA. MM. was appointed Vice Speaker *DPR-RI*, replacing Syarwan Hamid.



President Soeharto, Vice President B.J. Habibie and the DPR-RI Speaker enter the room for consultation with Leaders of the House, Factions and Socio-Political Organizations, also present were Coordinating Ministers, Commander-in- Chief, Chiefs of Staff of the three Services and State Police, May 1, 1998.



President Soeharto during the courtesy call and consultation with House Leaders to assess recent events.



House and Faction Leaders before the consultation with President Soeharto, May 1, 1998.



The atmosphere of consultation between the President, seconded by the Vice President, with Leaders of the House, Factions and Socio-Political Organizations, also present are the related Coordinating Ministers and Ministers, Commander-in-Chief, Chiefs of Staff of the three Services and State Police, May 1, 1998.



This is the room where the House Leaders hold their meetings and conferences to discuss the national situation and developments, particularly in May 1998. These meetings are always attended by all House Speakers and Secretary General.



On May 14, 1998; after the consultative meeting, the House Leaders issued a press statement about their concern over the fatal shootings of Trisakti students.



One of the delegations' leader, Adnan Buyung Nasution, puts a Reform Band on the arm of the House Speaker.



The consultation held between the House Leaders and President Soeharto, at the latter residence in Jalan Cendana, on May 16, 1998; to respond to the latest events and developments (after the incidents of 12 - 14 May 1998).



The aspirations presented by the people to the Leaders of the House, Factions and Commissions during a dialogue.



The meeting between one of the House Factions with the representatives of the general public.



A delegation of the general public, led by Dr. Amin Rais, was received by one of the House Commissions.



House Vice Speakers dr. Abdul Gafur and Syarwan Hamid accompanied by Secretary General Drs. Afif Ma'roef in a meeting with the student delegation.



On May 18, 1998; at around 4.00 p.m. WIT the House Leaders made a press statement to respond to the people's aspirations that for the sake of the nation's unity and cohesion, the President should wisely and sagaciously resign.



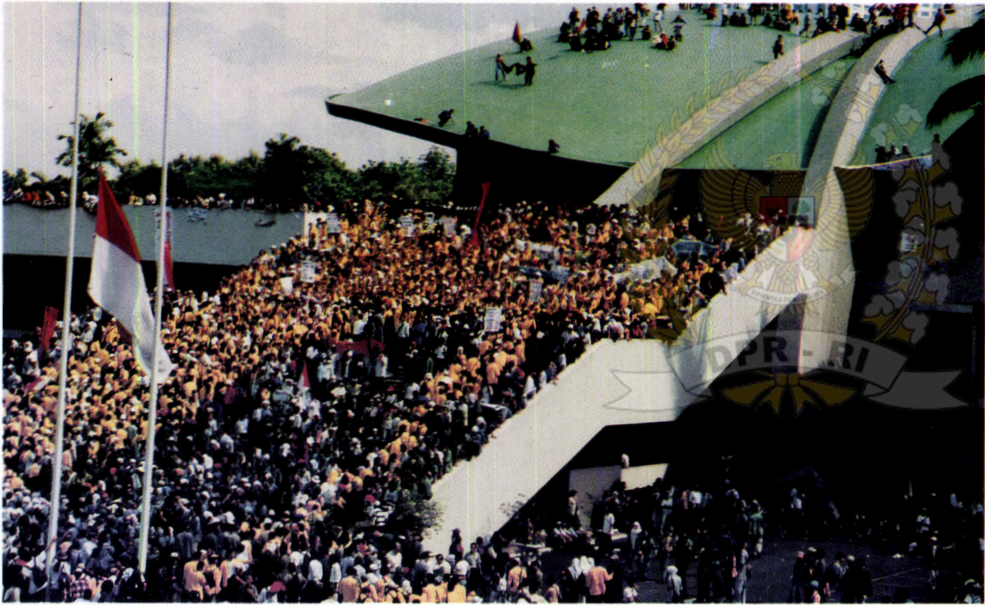
The scene when the House Leaders were giving a press statement on May 18, 1998; which was covered by both domestic and foreign mass and electronic media.



The House Speaker chairs the consultative meeting between House and Factions Leaders on May 19, 1998; to discuss the people's aspirations for the resignation of President Soeharto.



The House Leaders together with Factions Leaders at the press conference after their meeting that discusses about reform and the President's resignation, May 19, 1998.



The public and students from all over Indonesia demonstrated their concern around the MPR/DPR building on May 19, 1998; to demand reform in all sectors.



Vice President Prof. DR.-Ing. B.J. Habibie in a discussion with the House Secretary General Drs. Afif Ma'roef on the oath/pledge-taking process of the President on May 21, 1998 at the Merdeka Palace, at 8.15 a.m. WIT.



The seconds when Mr. Soeharto was making his statement to resign as President, before the House Leaders at the consultative meeting at the Jeparo room of Merdeka Palace at about 8.50 a.m. WIT. During the meeting, President Soeharto said that in accordance with Article 8 of the 1945 Constitution and Article 2 of MPR Decree No. VII/MPR/1973 and after seriously taking into consideration the advice and views of the House and Factions Leaders : "I resign as President, please stay in this room, I shall announce it to the people and subsequently the Vice President will take the oath as President before the Supreme Court."



The statement by Mr. Soeharto to the whole of the Indonesian people about his resignation on May 21, 1998; at 9.05 a.m. WIT.



Prof. Dr.-Ing. B.J. Habibie is taking the Oath of office as the third President of the Republic of Indonesia on May 21, 1998.



Haj Mohamad Soeharto before the House Leaders at the Jepara room after he made the resignation statement as President and said : “Ladies and Gentlemen, as of this moment I am no longer President. Hopefully, as DPR/MPR Leaders you would also help to defend this nation and country, thank you.”



Former second President Haj Mohamad Soeharto, accompanied by his eldest daughter, Mrs. Hajjah Siti Hardiyanti Rukmana left the Merdeka Palace a few moments after he resigned as President on May 21, 1998.



House Vice Speaker dr. Abdul Gafur, accompanied by House Secretary General Drs. Afif Ma'roef, inspects the damages in DPR-RI offices caused by student and public demonstrations to show their concern and demand for reform.



Some of the damages in the House's Archives room.



The joint Meeting of Commissions V and VII to hear the Government's statement by the Minister of Mines and Energy on the approval of the House proposal to lower fuel oils prices and electricity tariff.



The Minister of Mines and Energy and Minister of Finance during the Commissions V and VIII joint meeting.



ANNEXES



DEWAN PERWAKILAN RAKYAT REPUBLIK INDONESIA

Jalan Jenderal Gatot Subroto - Jakarta 10270

Nomor : KD.02/1262/DPR-RI/1998 Jakarta 14 Mei 1998

Sifat : Penting

Derajat : Segera

Lamp. : -

Perihal : Pertemuan konsultasi

K E P A D A

**YTH. SAUDARA PRESIDEN
REPUBLIK INDONESIA**

J A K A R T A

Dengan ini kami sampaikan dengan hormat, bahwa dalam menyikapi perkembangan akhir-akhir ini Pimpinan DPR/MPR-RI akan melakukan konsultasi kepada Saudara Presiden.

Sehubungan dengan hal itu, kami mengharapkan kesediaan Saudara Presiden untuk dapat menerima Pimpinan DPR/MPR-RI dalam rangka konsultasi. Mengenai waktu dan tempat kami serahkan kepada Saudara Presiden dalam waktu yang tidak terlalu lama.

Demikian, harap menjadi maklum dan atas kerja sama Saudara Presiden, kami ucapkan terima kasih.



KETUA,

H. Harmoko
H. HARMOKO



**THE HOUSE OF REPRESENTATIVES OF
THE REPUBLIC OF INDONESIA**
Jalan Jenderal Gatot Subroto - Jakarta 10270

Number : *KD.02/1262/DPR-RI/1998* Jakarta, 14 May 1998
Class : Important
Degree : Urgent T O
Encl. : -
Subject : Consultative meeting MR. PRESIDENT
OF THE REPUBLIC OF INDONESIA
JAKARTA

I have the honour to inform you that in response to recent events, the Leaders of *DPR/MPR* would like to have a consultation with Mr. President.

In this connection, I sincerely hope Mr. President could receive the Leaders of *DPR/MPR* for a consultation. As to the time and place, I leave it entirely at your convenience.

Thus, permit me to express my appreciation for your kind indulgence and cooperation.

S P E A K E R,

Sgd.

Haj HARMOKO



DEWAN PERWAKILAN RAKYAT REPUBLIK INDONESIA
Jalan Jenderal Gatot Subroto - Jakarta 10270



Nomor : KD.02/1316/DPR-RI/1998
Sifat : Biasa
Derajat : Segera
Lamp. : -
Perihal : Pertemuan Konsultasi

Jakarta 18 Mei 1998

K E P A D A

**YTH. SAUDARA PRESIDEN
REPUBLIK INDONESIA
J A K A R T A**

Dengan ini kami sampaikan dengan hormat, bahwa dalam rangka menindaklanjuti perkembangan akhir-akhir ini Pimpinan DPR/MPR-RI akan melakukan konsultasi kepada Saudara Presiden.

Sehubungan dengan hal itu, kami mengharapkan kesediaan Saudara Presiden untuk dapat menerima Pimpinan DPR/MPR-RI dalam rangka konsultasi. Adapun mengenai waktu sesuai dengan permintaan diharapkan dapat diterima pada tanggal 19 Mei 1998, setelah pukul 12.00 WIB.

Demikian, harap menjadi maklum dan atas kerjasama Saudara Presiden, kami ucapkan terima kasih.



K E T U A,

H. Harmoko

H. HARMOKO



**THE HOUSE OF REPRESENTATIVES OF
THE REPUBLIC OF INDONESIA**

Jalan Jenderal Gatot Subroto - Jakarta 10270-RI

Number : *KD.02/1316/DPR-RI/1998* Jakarta, 18 May 1998.
Class : Ordinary
Degree : Urgent T O
Encl. : -
Subject : Consultative meeting MR. PRESIDENT
OF THE REPUBLIC OF INDONESIA
JAKARTA

I have the pleasure to inform you that to follow-up the recent developments, the Leaders of *DPR/MPR* would like to have a consultation with Mr. President.

In this connection, I hope that you would be so kind as to receive the Leaders of *DPR/MPR-RI* for a consultation. Hopefully, the time could be arranged according to the request of May 19, 1998; i.e. after 12.00 o'clock noon.

Thus, permit me to express my appreciation for your kind attention and indulgence.

S P E A K E R,

Sgd.

Haj HARMOKO

KETERANGAN PERS

Pimpinan Dewan dalam rapatnya hari ini telah mempelajari dengan cermat dan sungguh-sungguh perkembangan dan situasi nasional yang sangat cepat yang menyangkut aspirasi masyarakat tentang reformasi, termasuk Sidang Umum MPR dan pengunduran diri Presiden.

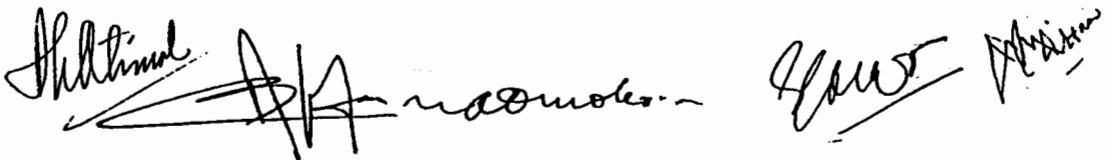
Untuk pembahasan masalah tersebut, besok tanggal 19 Mei 1998 Pimpinan Dewan akan melaksanakan pertemuan dengan Pimpinan Fraksi-fraksi. Hasilnya akan disampaikan kepada Presiden Soeharto.

Mekanisme tersebut ditempuh sesuai dengan peraturan Tata Tertib Dewan, karena dalam mengambil keputusan Pimpinan Dewan harus bersama-sama Pimpinan Fraksi-fraksi.

Dalam menanggapi situasi seperti tersebut di atas, Pimpinan Dewan baik Ketua maupun Wakil-wakil Ketua mengharapkan demi persatuan dan kesatuan bangsa, agar Presiden secara arif dan bijaksana sebaiknya mengundurkan diri.

Pimpinan Dewan menyerukan kepada seluruh masyarakat agar tetap tenang, menahan diri, menjaga persatuan dan kesatuan, serta mewujudkan keamanan ketertiban supaya segala sesuatunya dapat berjalan secara konstitusional.

Jakarta, 18 Mei 1998.



PRESS STATEMENT

At today's meeting, the House Leaders have thoroughly and seriously studied the very rapid national developments and situation related to the people's aspirations for reform, including the holding of an *MPR* General Session and the resignation of the President.

To discuss this issue, tomorrow May 19, 1998; the House Leaders shall have a consultative meeting with the Factions Leaders. The outcome will be presented to President Soeharto.

This mechanism works in line with the House Internal Rules, because its Leaders should have the concurrence of Faction Leaders in the decision-making process.

To respond to the aforementioned situation, the House Leaders, i.e. the Speaker and Vice Speakers, hope that for the sake of the nation's unity and cohesion, the President should wisely and sagaciously resign.

The House Leaders appeal to the people at large to remain calm, exercise self-restraint, preserve unity and cohesion and create peace and order, so that everything proceed according to the constitution.

Jakarta, 18 May 1998.



DEWAN PERWAKILAN RAKYAT REPUBLIK INDONESIA
Jalan Jenderal Gatot Subroto - Jakarta 10270

Nomor : KD.02/1330/DPR-RI/1998 Jakarta 19 Mei 1998
Sifat : Biasa
Derajat : Segera K E P A D A
Lamp. : 1 (satu) lembar
Perihal : Hasil Rapat Pimpinan YTH. SAUDARA PRESIDEN
 DPR dan Pimpinan REPUBLIK INDONESIA
 Fraksi-fraksi J A K A R T A

Dengan ini kami beritahukan dengan hormat, bahwa dalam menyikapi perkembangan akhir-akhir ini Pimpinan DPR RI telah mengadakan Rapat dengan Pimpinan Fraksi-fraksi DPR RI yakni FABRI, F.KP, F.PP dan F.PDI pada hari Selasa tanggal 19 Mei 1998.

Sehubungan dengan hal itu, bersama ini kami sampaikan hasil kesepakatan Rapat Pimpinan DPR dengan Pimpinan Fraksi-fraksi (terlampir).

Menunjuk surat kami nomor : KD.02/1316/DPR RI/1998 tanggal 18 Mei 1998 perihal pertemuan konsultasi, sekali lagi kami Pimpinan Dewan bermaksud melakukan konsultasi dengan Saudara Presiden.

Demikian, harap menjadi maklum dan atas perhatian Saudara Presiden, kami ucapkan terima kasih.



KETUA,

H. Harmoko
H. HARMOKO



**THE HOUSE OF REPRESENTATIVES OF
THE REPUBLIC OF INDONESIA**
Jalan Jenderal Gatot Subroto - Jakarta 10270

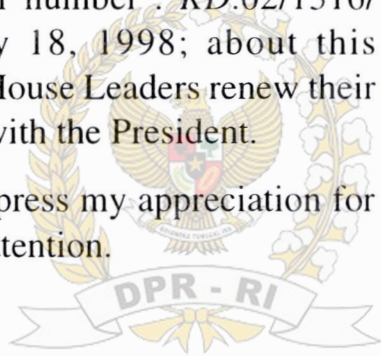
Number : *KD.02/1330/DPR-RI/1998* Jakarta, 19 May 1998
Class : Ordinary
Degree : Urgent T O
Encl. : 1 (one) page
Subject : Outcome of the Meeting between the House and Factions Leaders. MR. PRESIDENT OF THE REPUBLIC OF INDONESIA JAKARTA

I have the pleasure to inform you that to respond to recent events, the House Leaders have held a Meeting with the Factions Leaders, i.e. the Armed Forces Faction, the Functional Development Faction, the Unity Development Faction and the Indonesian Democratic Faction on Tuesday, on May 19, 1998.

In this connection, I am enclosing the outcome of the consensus reached at the Meeting between the House and Factions Leaders (enclosed).

Referring to our letter number : *KD.02/1316/ DPR-RI/1998* dated May 18, 1998; about this consultative meeting, the House Leaders renew their request for a consultation with the President.

Thus, permit me to express my appreciation for your kind indulgence and attention.



S P E A K E R,

Sgd.

Haj HARMOKO



**THE HOUSE OF REPRESENTATIVES OF
THE REPUBLIC OF INDONESIA**



**OUTCOME OF THE MEETING BETWEEN THE
HOUSE AND FACTIONS LEADERS
TUESDAY, 19 MAY 1998**

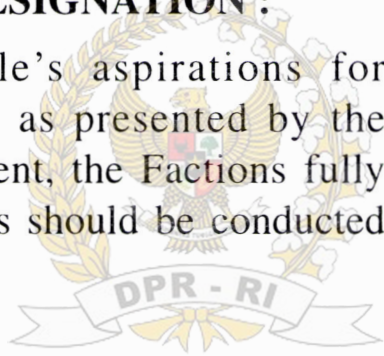
The Meeting between the House and Factions Leaders on Tuesday, May 19, 1998; has reached the following agreement :

1. ON REFORM :

That the people's aspirations and demand for a total reform as perceived by the House, should be carried out in a sustainable manner. For this purpose, the House expedites the execution of the reform agenda on political, economic and legal areas and this shall be implemented during the current Session Period.

2. ON THE PRESIDENT'S RESIGNATION :

With regard to the people's aspirations for the President's resignation as presented by the House Leaders to the President, the Factions fully understand and agree that this should be conducted constitutionally.



**TRANSCRIPT OF
PRESIDENT SOEHARTO'S STATEMENT
AT THE MERDEKA PALACE
19 MAY 1998**



Ladies and Gentlemen, Fellow Countrymen;

Assalamu'alaikum Warahmatullahi Wabarakatuh.

Today, I have a meeting with a number of *Ulemas* and Prominent Community Leaders as well as the Armed Forces Leadership.

I have asked, among other things, for some views and advice on how should we deal with the situation we are confronted with. Certainly, all of this has been quite distressing, especially for those who have a sense of responsibility over the survival of this nation and country. Among other things, there have been some expressed wishes for my resignation as President, while as far as I am concerned, whether I do or do not resign, it does not really matter. What we have to pay our attention to is whether my resignation would immediately address the situation. For me, the Presidency is not an indispensable thing, probably you have become impatient too. There are a

number of processes in the Election and Installment of a President.

When I was presented as a Presidential candidate for 1998/2003 period by socio-political forces and also endorsed by the *MPR* Factions, I have asked, from the very outset, whether the Indonesian people really still have faith in me, because I am already 77 years old, so I asked to check it again. Apparently, all socio-political forces from the Unity Development Party, the Indonesian Democratic Party, the Functional Group *Golkar* and even the Armed Forces, have stated it was indeed true that the majority of the people still wanted me to be a Presidential candidate for the 1998/2003 term of office. Well, if that is the case, I shall accept it with responsibility. I accept it, not because of the office but as a responsibility. Particularly when we are confronted with a hardship due to the various crises. Furthermore, I have the feeling that should I just abandon the arena, it might be alleged as if I were running away from a situation where, in fact, I should still bear a responsibility. For this reason, therefore, I accepted it because, once again, of my sense of responsibility over the Indonesian nation and country.

Now, it becomes evident that the support and trust have not been unanimous and they took to the street and staged demonstrations as they no longer trust me and I have to resign. Once again, as far as I am concerned, resignation does not really matter and I have decided not to serve as President any longer, I shall draw myself closer to God and take the best possible care of my children, so they become good citizens, I shall give advice to the nation, and motivated by the Javanese philosophy "follow from behind those who leads at the front" and exert all our forces to help nation and country.

At present, should I have to resign constitutionally, I shall hand over the office to the Vice President in a constitutional manner too. The question remains, however, whether such an act would solve the problem and that it would not reoccur, because the Vice President might eventually be forced also to resign. If this continues and it becomes a precedent in our existence as nation, society and state, the nation and country will automatically become chaotic as if there were no foundation for the survival of nation, society and state. As a matter of fact, we already have this foundation, i.e. Pancasila and the 1945 Constitution, this means we have a

constitution. Unless every citizen faithfully adheres to this constitution, the survival of nation and state will definitely become uncertain and it changes continuously, and probably there will be an endless pro and con and this might bring about deeper conflicts that leads to a bloodshed, or worse, a civil war, and so forth. If this happens, who is going to loose ?, the nation, of course.

Whereas the Republic of Indonesia, which was proclaimed on August 17, 1945; and followed by the adoption of Pancasila and the 1945 Constitution one day later, is an inheritance of our Founding Fathers, of our deceased freedom fighters, that serve as a good foundation of our diverse nation, so we will be able to defend perpetually our life as nation, society and state and allow us to live as a sovereign and independent nation and earns the recognition of other nations.

Once again, resignation is not a problem for me, I only feel the responsibility over our nation and country. Therefore, if I have not yet decided to resign, this does not mean that I do not want to resign, no, because we have to see to it that with my resignation, the nation and state, which is founded on the constitution, could be managed well.

Thus, Pancasila and the 1945 Constitution are also recognized.

Therefore, we have to take steps which do not overlook the constitution, but, on the contrary, they should serve as a basis for the solution to problems, to solve the various crises, caused by both monetary crisis and crisis of confidence, in addition to recent destructions that have reduced the potential of nation and country. So that to carry out rehabilitation and, even more so, development, it requires peace and order as well as preparations for its plans and implementation.

It is precisely for this purpose, Fellow Countrymen, that we have to seriously think of a stage that will ensure the survival of nation and country and avoid further disturbances. What they want is reform and so on, as long as it is carried out properly.

For this reason, I shall take measures, as up to now, I am still the President/Mandatar, who has the authority vested by the 1945 Constitution and by the Major State Policy Guidelines and its Decrees, measures and ideas that will be presented to the people for a further consideration to serve the

interest of nation and country and development we are carrying out and will continue to carry out, so that the ideals of a just and prosperous society based on Pancasila will be materialized.

Once again, we have to think seriously about this matter, not with emotion but with awareness, all must be aimed at serving nation and country, let us prevent the destruction of nation and country that we have built with sacrifices, as this may mean that we do not respect, honour and appreciate the sacrifices of our fallen heroes who have given everything they had to build this Republic of Indonesia.

Thus, Ladies and Gentlemen, after I listened to the views and counsel of prominent community and Armed Forces leaders, in order to safe nation and country, National Development, Pancasila and the 1945 Constitution, as well as the nation's unity and cohesion, and in line with the authority vested in me by the People's Consultative Assembly (*MPR*), I, as its Mandatary, shall conduct and lead the national reform as soon as possible. To this end, I will set up a Reform Committee, with membership consisting of community leaders and experts from Universities with the task to immediately finalize the Laws on General Elections, on Political Parties, on

Composition and Status of *MPR*, *DPR* and *DPRD*, on Anti Monopoly, on Anti Corruption and others in line with the people's aspirations. The General Elections will be held as soon as possible, governed by the new General Elections Law, the General Session of the newly-elected *MPR* shall, among other things, formulate the Major State Policy Guidelines, elect the President and Vice President and adopt other *MPR* Decrees.

I hereby declare that I am no longer willing to be a Presidential candidate. In order to carry out the very hard duties, as a result of the various economic, political and legal crises, I shall reshuffle the Cabinet as quickly as possible, so the Seventh Development Cabinet will become a new cabinet, called the ***Reform Cabinet***. The Armed Forces should remain vigilant and preserve national safety, security and law and order together, and hand-in-hand, with the whole of the people.

I would like to avail myself of this opportunity to offer my deepest condolences to the victims of the recent incidents. May their souls rest in peace by His side. May the One Supreme God bestow His continued blessings on the bereaved families with spiritual and physical fortitude.

In conclusion, allow me to express my sincere thanks for the people's support to the national reform we are in the middle of implementing. May *Allah the Great* bless and protect the nation and state of the Republic of Indonesia.

Once again, Fellow Countrymen, let us seriously think about the fate of the Indonesian nation and state, let us think about the safety of the Indonesian people and nation. Let us not allow emotion go unchecked and our nation become poorer and endure greater sufferings, whereas the ideals of our struggle were to proclaim the Republic of Indonesia, which is founded on Pancasila and the 1945 Constitution, to improve the well-being of the Indonesian people and to give a meaningful substance to independence with development with a view to realizing a just and prosperous society based on Pancasila.

Again, I have taken these steps primarily to save this nation and country from any unconstitutional actions. I hope everybody will understand and should not be afraid that I will keep my Presidency, not at all. Even though I am no longer a President, I can still be useful to the nation and country in many ways.

Indeed, to be honest, even if I no longer were a President, as a Javanese I will say : "It's OK !". I will

become an ordinary citizen and certainly it is not less respectable than a President, as long as I dedicate my services to nation and country. Don't be afraid that I will become an obstacle to all of this, definitely not. It is precisely motivated by my sense of responsibility over the safety of nation and country that we must take constitutional measures, which are also blessed by the One Supreme God, as He shows us the righteous path. I hope the people will understand this whole thing and stop taking actions which, in the end, would only cause further sufferings to the people, through insinuation and provocation to commit wrongdoings, although, basically speaking, they do not have the heart to commit evil deeds, but they are incited, provoked, etc; until they lost their mind, and we must stop this, because it might tarnish the dignity of our nation and country.

Once again, I thank the journalists and *ulemas* for your kind attention.

Wassalamu'alaikum Warahmatullahi Wabarakatuh.

STATEMENT BY PRESIDENT SOEHARTO


19 MAY 1998

To save the nation and country, National Development, Pancasila and the 1945 Constitution, as well as the nation's unity and cohesion, in compliance with the mandate vested by *MPR* as its Mandatary and based on the constitution, the President takes the following steps :

1. The President shall personally carry out and lead the national reform as soon as possible;
2. A Reform Committee shall be set up, with membership consisting of prominent community leaders and experts from Universities, who are in charge of immediately finalizing the Laws on General Elections, on Political Parties, on Composition and Status of *MPR*, *DPR* and *DPRD*, on Anti Monopoly, on Anti Corruption and others;
3. To hold General Elections as soon as possible, governed by the new General Elections Law;

4. To convene a General Session of the newly elected *MPR*, in order to formulate the Major State Policy Guidelines, elect the President and Vice President, and adopt other *MPR* Decrees;
5. To state the refusal as a Presidential candidate again;
6. To reshuffle the Cabinet, so the previous *Seventh Development Cabinet* becomes the *Reform Cabinet*;
7. The Armed Forces (*ABRI*) should preserve national vigilance and security, maintain law and order together, and hand-in-hand, with the whole of the people.

**TRANSCRIPT OF THE RESIGNATION
STATEMENT
BY MR. SOEHARTO
AS THE PRESIDENT OF THE
REPUBLIC OF INDONESIA
AT THE MERDEKA PALACE
THURSDAY, 21 MAY 1998**



Bismillahirrahmanirrahim

Fellow Countrymen,

Assalamu'alaikum Warahmatullahi Wabarakatuh

During these recent times, I have been following carefully the developments of our national situation, especially the aspirations of the people for reforms in all sectors of the life of our nation and state. Based on my deep understanding of these aspirations and prompted by the conviction that these reforms need to be implemented in an orderly, peaceful and constitutional manner for the sake of maintaining the nation's unity and cohesion, as well as for the

continuity of national development, I declared a plan to set up a Reform Committee and to change the composition of the Seventh Development Cabinet.

But the reality to date has shown that the Reform Committee cannot be materialized because there was no adequate response to the plan to set up that committee. In the wish of implementing these reforms in the best manner possible, I deem that faced with the impossibility of forming the committee, changes in the composition of the Seventh Development Cabinet are no longer necessary.

Considering the above developments, I am of the opinion that it would be very difficult for me to execute in a good manner, duties in governing the State and development. Therefore, in line with Article 8 of the 1945 Constitution and after earnestly taking into consideration the views of the House and Factions Leaders, I have decided *to resign* from my office as the President of the Republic of Indonesia as of the time I read this statement on this day, Thursday, May 21, 1998. I have conveyed this statement, about me stepping down from the post of the President of the

Republic of Indonesia to you, Leaders of *DPR-RI*, who are concurrently Leaders of *MPR*, during this morning's courtesy call.


Pursuant to Article 8 of the 1945 Constitution, the Vice President of the Republic of Indonesia, Prof. Dr. B.J. Habibie is the one who will conclude the remainder of the presidential term, holder of mandate/ Mandatary of *MPR* for the 1998/2003 period.

For the assistance and support of the people while I led the nation and State of Indonesia, I express my thanks and I seek forgiveness if there were any mistakes and shortcomings. May the Indonesian nation remain glorious with Pancasila and 1945 Constitution. As of this day too, the Seventh Development Cabinet is outgoing (*demissioned*) and to the ministers I convey my thanks.

Because conditions do not allow the taking of oath in front of the House of Representatives, to prevent a "*vacuum*" of Leadership in implementing the governing of the State, the Vice President should take the Presidential Oath of Office at this very moment

before the Supreme Court of the Republic of Indonesia.”

*(Oath-taking by
the President of the Republic of Indonesia
Mr. B.J. Habibie
before
the Supreme Court of the Republic of Indonesia)*



***Footnote : At exactly 9.05 a.m. WIT, the word
"resign" was uttered by Mr. Soeharto.***



**KETUA MAHKAMAH AGUNG
REPUBLIK INDONESIA**

Nomor : KMA/140/V/1998
Klasifikasi: Biasa
Lampiran : 1 (satu)
Perihal : Penjelasan dan
Pernyataan Hukum
Mahkamah Agung RI

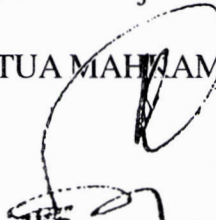


Jakarta, 23 Mei 1998

Kepada Yth.
Sdr PIMPINAN
DEWAN PERWAKILAN
RAKYAT RI
di
JAKARTA

1. Bersama ini dengan hormat disampaikan Penjelasan Dan Pernyataan Hukum Mahkamah Agung R.I. Tentang Pernyataan Berhenti Presiden Soeharto Dan Pengucapan Sumpah Oleh Wakil Presiden Prof. DR. Ing. B.J. Habibie Pada Hari Kamis, Tanggal 21 Mei 1998 Di Istana Merdeka, sebagaimana terlampir.
2. Demikian, mohon menjadikan periksa.

KETUA MAHKAMAH AGUNG -RI.



(SARWATA, SH)

Tembusan : Yth

1. Sdr Wakil Ketua Mahkamah Agung RI
2. Sdr Para Ketua Muda Mahkamah Agung RI.



**THE SUPREME COURT
THE REPUBLIC OF INDONESIA**

Number : *KMA/140/V/1998*
Class : Ordinary
Encl. : 1 (one)
Subject : Legal Clarification and
Statement of the Supreme
Court *RI*



Jakarta, 23 May 1998

To
LEADERS OF THE HOUSE
OF THE PEOPLE'S
REPRESENTATIVES
OF THE REPUBLIC OF INDONESIA
in
JAKARTA.

1. I have the honor to present hereby the Legal Clarification and Statement of the Supreme Court *RI* on the Resignation Statement by President Soeharto and the Oath-taking by Vice President Prof. Dr.-Ing B.J. Habibie, on Thursday, 21 May 1998; at the *Merdeka* Palace, as enclosed.
2. Thus, for your information.

CHIEF JUSTICE OF THE SUPREME COURT *RI*

Sgd.

(S A R W A T A. S H.)

Copies to :

1. Vice Chief Justice Supreme Court *RI*
2. Deputy Chiefs Justice Supreme Court *RI*



**MAHKAMAH AGUNG
REPUBLIK INDONESIA**



**PENJELASAN DAN PERNYATAAN HUKUM
MAHKAMAH AGUNG R.I.
TENTANG
PERNYATAAN BERHENTI
PRESIDEN SOEHARTO
DAN
PENGUCAPAN SUMPAH OLEH WAKIL
PRESIDEN PROF. DR. ING B.J. HABIBIE
PADA HARI KAMIS, TANGGAL 21 MEI 1998
DI ISTANA MERDEKA**

Sehubungan dengan pernyataan berhenti Sdr. Soeharto sebagai Presiden R.I. dan pengucapan sumpah Wakil Presiden Sdr. Prof. DR. Ing. B.J. Habibie, sebelum memegang jabatan Presiden R.I. dihadapan Pimpinan Mahkamah Agung R.I, berdasarkan Pasal 37 Undang

undang No. 14 Tahun 1985 Tentang Mahkamah Agung, Mahkamah Agung memberikan penjelasan dan pernyataan hukum sebagai berikut :

1. Pada hari Rabu tanggal 20 Mei 1998 sekitar pukul 22.40 WIB, Ketua Mahkamah Agung menerima berita melalui Telepon dari Menteri Sekretaris Negara Sdr. Drs. Saadillah Mursyid, MPA. bahwa Bapak Presiden akan berhenti dari jabatannya besok pukul 09.00 WIB, dan diminta Ketua Mahkamah Agung R.I untuk menerima Sumpah wakil Presiden R.I, bertempat di Istana Merdeka.
2. Selanjutnya pada hari Kamis, tanggal 21 Mei 1998 sekitar pukul 07.00 WIB Pimpinan Mahkamah Agung mengadakan rapat di ruang RAPIM Kantor Mahkamah Agung membahas berita dari Menteri Sekretaris Negara tersebut di atas, telah menghasilkan keputusan sebagai berikut :
 - a. Menanggapi permintaan yang mendadak tersebut, dengan mengkaitkan pada situasi dan tuntutan Reformasi yang dihadapi Bangsa dan Negara Indonesia, Mahkamah Agung R.I menyatakan kesediaannya untuk memenuhi

permintaan dimaksud, dalam kedudukannya sebagai Lembaga Tinggi Negara Penyelenggara Kekuasaan Kehakiman dalam kerangka distribusi kekuasaan ("*Distribution of Power*") yang diamanatkan dalam Undang Undang Dasar 1945.

- b. Pasal 8 Undang Undang Dasar 1945 berbunyi : "Jika Presiden mangkat, **berhenti** atau tidak dapat melaksanakan kewajibannya dalam masa jabatannya, ia diganti oleh Wakil Presiden sampai habis waktunya".

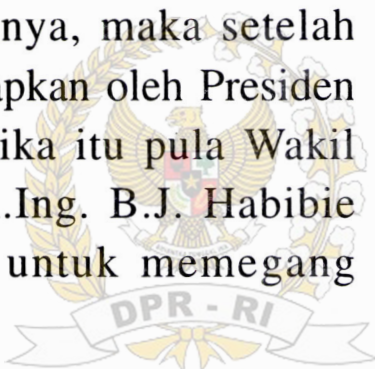
Mahkamah Agung setelah mempelajari Ketentuan Pasal tersebut dihubungkan dengan kehendak untuk berhenti oleh seorang Presiden, di Negara R.I tidak/belum diatur Tata Caranya dalam Peraturan Perundang-undangan maupun tidak diketemukan dalam praktek kehidupan Ketatanegaraan Negara R.I sampai saat ini.

Oleh karena itu, guna mengisi kekosongan hukum dan dihubungkan dengan keadaan tersebut diatas, Mahkamah Agung berpendapat bahwa Ucapan pernyataan berhenti yang

dilakukan Sdr. Soeharto di Istana Merdeka pada hari Kamis tanggal 21 Mei 1998 pukul 09.00 WIB yang ditujukan kepada seluruh Rakyat dan Bangsa Indonesia adalah sah secara Konstitusional.

- c. Dengan berhentinya Presiden R.I sesuai dengan Pasal 8 Undang Undang Dasar 1945 jo. Pasal 2 ayat (1) Ketetapan MPR.R.I No. VII/MPR/1973, Presiden diganti oleh Wakil Presiden. Selanjutnya Pasal 2 ayat (2) Ketetapan MPR.R.I No. VII/MPR/1973 menentukan bahwa Wakil Presiden sebelum memegang Jabatan Presiden bersumpah dihadapan Dewan Perwakilan Rakyat R.I, dan Pasal 2 ayat (3) Ketetapan MPR R.I tersebut menentukan apabila Dewan Perwakilan Rakyat tidak mungkin mengadakan rapat, Wakil Presiden bersumpah dihadapan Mahkamah Agung.
- d. Dalam kerangka menghindari terjadinya kekosongan ("*Vacuum*") dalam penyelenggaraan Kekuasaan Pemerintahan Negara, yang diamanatkan oleh Undang Undang Dasar

1945 beserta penjelasannya, maka setelah pernyataan berhenti diucapkan oleh Presiden R.I, Sdr. Soeharto seketika itu pula Wakil Presiden, Sdr. Prof. DR.Ing. B.J. Habibie mengucapkan Sumpah untuk memegang Jabatan Presiden.



- e. Menyangkut kekosongan ("*Vacuum*") dalam penyelenggaraan Kekuasaan Pemerintahan Negara, pengucapan sumpah Wakil Presiden, Sdr. Prof. DR. Ing. B.J. Habibie dihadapan Mahkamah Agung sesuai ketentuan pasal 2 ayat (3) Ketetapan MPR.RI. No. VII/MPR/1973, masih perlu memperoleh "*clearance*" dari Pimpinan DPR.
3. Sekitar pukul 08.25 WIB pada hari itu juga Pimpinan Mahkamah Agung berangkat menuju ke Istana Merdeka. Di salah satu ruang tunggu Istana Merdeka Ketua Mahkamah Agung mengadakan pembicaraan dengan Pimpinan DPR RI sekitar pukul 08.40 WIB. Ketua Mahkamah Agung menyampaikan dalam pembicaraan tersebut bahwa setelah pernyataan berhenti Presiden RI,

Sdr. Soeharto, seketika itu pula dilaksanakan pengucapan sumpah Wakil Presiden, Sdr. Prof. DR. Ing. B.J. Habibie untuk memegang jabatan Presiden, guna mencegah kekosongan ("*Vacuum*") Penyelenggaraan Kekuasaan Pemerintahan Negara. Dalam hal ini Mahkamah Agung berpendapat tidak mungkin pengucapan sumpah tersebut dihadapan Rapat DPR sesuai ketentuan pasal 2 ayat (2) Ketetapan MPR.RI No. VII/MPR/1973, sehingga pengucapan sumpah tersebut dilaksanakan dihadapan Mahkamah Agung sesuai dengan ketentuan pasal 2 ayat (3) Ketetapan MPR. RI No. VII/MPR/1973.

4. Dengan demikian pengucapan sumpah Wakil Presiden Sdr. Prof. DR. Ing. B.J. Habibie sebagai Presiden R.I pada hari Kamis, tanggal 21 Mei 1998 sekitar pukul 09.10 WIB dihadapan Mahkamah Agung bertempat di Istana Merdeka adalah sah secara Konstitusional.

Demikianlah Penjelasan dan Pernyataan Hukum Mahkamah Agung R.I. Tentang Pernyataan Berhenti Presiden Soeharto Dan Pengucapan Sumpah Oleh Wakil

Presiden Prof. DR. Ing B.J. Habibie.

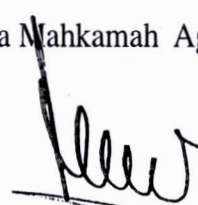

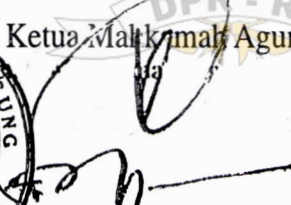
Jakarta, 21 Mei 1998

Pimpinan Mahkamah Agung R.I.



Wakil Ketua Mahkamah Agung R.I.

Ketua Mahkamah Agung R.I.

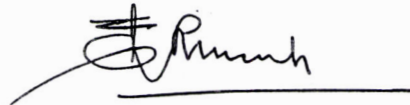
TH. KETUT SURAPUTRA, SH.

SARWATA, SH.

Ketua Muda Mahkamah Agung R.I.
Bidang Hukum Pidana umum

Ketua Muda Mahkamah Agung R.I.
Urusan Lingkungan Peradilan
Militer/ABRI



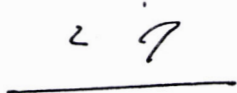



M. YAHYA HARAHAHAP, SH.

GERMAN HOEDIARTO, SH.

Ketua Muda Mahkamah Agung R.I.
Urusan Lingkungan Peradilan
Tata usaha Negara

Ketua Mahkamah Agung R.I.
Bidang Hukum Perdata Adat





H. ZAKIR, SH.

M. SYAFI UDDIN KARTASASMITA, SH.

Ketua Muda Mahkamah Agung R.I.
Urusan Lingkungan Peradilan
Agama

Ketua Muda Mahkamah Agung R.I
Bidang Hukum Perdata Tertulis



DRS. H. TAUFIQ, SH.



H. SOEHARTO, SH.



**THE SUPREME COURT
THE REPUBLIC INDONESIA**

**LEGAL CLARIFICATION AND STATEMENT
OF THE SUPREME COURT OF THE REPUBLIC
OF INDONESIA**

ON

**THE RESIGNATION STATEMENT BY
PRESIDENT SOEHARTO**

AND

**THE OATH-TAKING BY VICE PRESIDENT
PROF. DR.-ING. B.J. HABIBIE
ON THURSDAY, 21 MAY 1998
AT THE *MERDEKA* PALACE**

In connection with the resignation statement by Mr. Soeharto as the President of the Republic of Indonesia and the Oath-taking by Vice President Mr. Prof. Dr.-Ing. B.J. Habibie, prior to the assumption of office of the President of the Republic

of Indonesia before the Chief Justice Supreme Court *RI*, and in compliance with Article 37 of Law No. 14 of 1985 on Supreme Court, the Supreme Court offers the following legal clarification and statement :

1. On Wednesday, May 20, 1998; at about 10.40 p.m. *WIT*, the Chief Justice received a telephone call from Minister/State Secretary Mr. Drs. Saadillah Mursyid MPA.; that the President would resign from office tomorrow at 9.00 a.m. *WIT*, and the Chief Justice is requested to accept the Oath of the Vice President of the Republic of Indonesia at the *Merdeka* Palace.
2. Next, on Thursday, 21 May 1998; at around 7.00 a.m. *WIT*, the Chief Justice held a meeting at the Meeting Room of the Supreme Court office, to discuss the aforementioned news from the Minister/State Secretary, and adopted the following decision :
 - a. In response to this urgent request and by relating it to the situation and reform demand that the Indonesian Nation and Country is confronted with, the Supreme Court *RI* states its readiness to comply with this request, in its capacity as the Supreme State Institution

in the Execution of Judicative Power, within the framework of distribution of power as mandated by the 1945 Constitution.

- b. Article 8 of the 1945 Constitution says :
"Should the President pass away, *resign* or is incapacitated to perform his duties during his term of office, he shall be succeeded by the Vice President until the expiry of that term."

After studying the stipulation of this article, and taking also into consideration the intention of a President to resign, the Supreme Court is of the opinion that its Operational Procedures have never, or have not yet, been stipulated in a Legislative product or practiced in Civic Affairs of the Republic of Indonesia until today.

Therefore, in order to fill the legal vacuum, and linked to the aforementioned situation, the Supreme Court believes that the Resignation Statement by Mr. Soeharto at the *Merdeka* Palace on Thursday, 21 May 1998; at 9.00 a.m. *WIT*, that was addressed to the whole of the Indonesian Nation and People, is legal according to the Constitution.

- c. With the resignation of the President of the Republic of Indonesia, pursuant to Article 8 of the 1945 Constitution and clause (1) Article 2 of *MPR-RI* Decree No. VII/*MPR*/1973, the President shall be replaced by the Vice President.

Furthermore, clause (2) Article 2 of *MPR-RI* Decree No. VII/*MPR*/1973 stipulates that before assuming the Presidency, the Vice President shall take the oath before the House of the People's Representatives of the Republic of Indonesia, and clause (3) Article 2 of said *MPR-RI* Decree affirms that if the House of Representatives could not be convened, the Vice President shall take the oath before the Supreme Court.

- d. In order to prevent a vacuum in implementing the governing of the State, as mandated by the 1945 Constitution and its elaborations, as soon as the word resign is uttered by the President of the Republic Indonesia, Mr. Soeharto, at that very moment the Vice President, Mr. Prof. Dr. Ing. B.J. Habibie takes the Oath to assume the Presidency.

- e. With regard to the vacuum in implementing the governing of the State, the oath taken by Vice President Mr. Prof. Dr.-Ing. B.J. Habibie before the Supreme Court, in compliance with clause (3) Article 2 of *MPR-RI* Decree No. VII/*MPR*/1973, must still have the clearance of the House Leaders.
3. At around 8.25 a.m. *WIT* on the same day, the Chief Justice left for the *Merdeka* Palace. In one of the Palace's rooms, the Chief Justice held talks with the *DPR-RI* Leaders at approximately 8.40 a.m. *WIT*. At this meeting, the Chief Justice said that after the resignation statement by the President of the Republic of Indonesia, Mr. Soeharto, exactly at that very moment the Vice President, Mr. Prof. Dr.-Ing. B.J. Habibie takes the oath to assume the Presidency, in order to prevent a vacuum in implementing the governing of the State. The Supreme Court is of the opinion that the oath-taking could not be carried out before a *DPR* Session as stipulated by clause (2) Article 2 of *MPR-RI* Decree No. VII/*MPR*/1973, so it was performed before the Supreme Court in conformity with clause (3) Article 2 of said *MPR-RI* Decree.

4. Hence, the oath taken by Vice President Mr. Prof. Dr.-Ing. B.J. Habibie as President of the Republic of Indonesia on Thursday, 21 May 1998; at around 9.10 a.m. *WIT* at the *Merdeka* Palace, before the Supreme Court, is legal according to the Constitution.

Thus, the Legal Clarification and Statement of the Supreme Court *RI* on the Resignation Statement by President Soeharto and the Oath-taking by Vice President Prof. Dr.-Ing. B.J. Habibie.

Jakarta, 21 May 1998

Chiefs Justice Supreme Court *RI*

Vice Chief Justice
Supreme Court *RI*

Chief Justice
Supreme Court *RI*

Sgd.

Sgd.

TH. KETUT SURAPUTRA, SH.

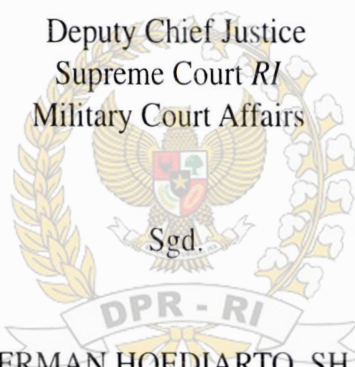
SARWATA, SH.

Deputy Chief Justice
Supreme Court *RI*
Criminal Law Affairs

Sgd.

M. YAHYA HARAHAAP, SH.

Deputy Chief Justice
Supreme Court *RI*
Military Court Affairs



GERMAN HOEDIARTO, SH.

Deputy Chief Justice
Supreme Court *RI*
Administrative Court Affairs

Sgd.

H. ZAKIR, SH.

Deputy Chief Justice
Supreme Court *RI*
Customary Law Affairs

Sgd.

M. SYAFI UDDIN KARTASASMITA, S.H.

Deputy Chief Justice
Supreme Court *RI*
Religious Court Affairs

Sgd.

DRS. *Haj* TAUFIQ, SH.

Deputy Chief Justice
Supreme Court *RI*
Written Law Affairs

Sgd.

Haj SOEHARTO, SH.

