

## 20. Indonesia

Statement made in the Sixth Committee, Seventy-fourth session (2019), 27th meeting, 31 October 2019.<sup>42</sup>

In our case, we remain [of the view that there] require[s] further consideration concerning the guide on the provisional application, especially having the latest ruling made by the Indonesian Constitutional Court on the new interpretation towards the Law No. 24 of 2000 on Treaties.

Through such ruling, the Court has expanded the classifications of treaties which requires the involvement of [the] Indonesian parliament, and consequently further extends the process to apply certain types of treaty.

Statement made in the Sixth Committee, Seventy-sixth session (2021), 19th meeting, 28 October 2021.<sup>43</sup>

Even though Indonesia is not a party, we are of the view that the 1969 Vienna Convention on the Law of Treaties is certainly the basis on which the Commission should develop a mechanism or a set of guidelines that would provide States with guidance relating to the provisional application of treaties.

Communication transmitted to the Secretariat, 18 May 2022:<sup>44</sup>

Indonesian Law is silent on the practice and regulation concerning provisional application of treaties matter.

The relevant Law in Indonesia on international treaties is Law No. 24/2000 which contains, for example, provisions on the ratification of international treaties and its entry into force mechanism as follows:<sup>45</sup>

### *Article 3*

The Government of the Republic of Indonesia binds itself to a treaty through the following means:

- a. signature;
- b. ratification;
- c. exchange of documents constituting a treaty diplomatic notes;
- d. other means as agreed upon by the parties to treaty.

*[Explanation] of Article 3 (d):*

“Other methods” as agreed upon by the parties (such as the simplified procedure) means automatic binding to a treaty if, after a certain given period, a written notification is not given with respect to their refusal to be bound.

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<sup>42</sup> Edited by the United Nations Secretariat. Full text available at: [https://www.un.org/en/ga/sixth/74/pdfs/statements/ilc/indonesia\\_1.pdf](https://www.un.org/en/ga/sixth/74/pdfs/statements/ilc/indonesia_1.pdf).

<sup>43</sup> Full text available at: [https://www.un.org/en/ga/sixth/76/pdfs/statements/ilc/19mtg\\_indonesia\\_1.pdf](https://www.un.org/en/ga/sixth/76/pdfs/statements/ilc/19mtg_indonesia_1.pdf).

<sup>44</sup> Edited by the United Nations Secretariat.

<sup>45</sup> Unofficial translation (from Indonesian) provided by the delegation of Indonesia.

## Chapter II Implementation of Treaties<sup>46</sup>

### *Article 15*

1. In addition to treaties which require the ratification by a law or presidential decree, the Government of the Republic of Indonesia may conclude a treaty, which, enters into force, on the date of its signing or on the exchange of the documents of treaties/diplomatic notes, or through other means as agreed upon by the parties to the treaty.
2. A treaty comes into force and binds the parties thereto after it fulfills all the conditions specified therein.

#### *[Explanation of] Article 15 (1):*

A treaty which does not require ratification in order to enter into force and which contains matters which are technical in nature or constitutes the implementation of an umbrella agreement, can immediately enter into force after the signature, exchange of documents/diplomatic notes or by way of other means as have been agreed upon by the parties to the treaty.

Treaties which fall into such category are, among others, treaties which govern the technical aspects of cooperation in the fields of education, social, culture, tourism, information, health, family planning, agriculture, forestry, and [cooperation with] sister provinces/cities.

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<sup>46</sup> *Ibid.*