

**CONSTITUTIONAL COURT OF**

**THE REPUBLIC OF INDONESIA**

**SUMMARY OF LAWSUIT VERDICT**

**NUMBER 20/PUU-XVII/2019**

**REGARDING**

**ELECTRONIC RESIDENT IDENTITY CARD (KTP-EL) AND ELECTRONIC RESIDENT IDENTITY CARD (KTP-EL) RECORDING CERTIFICATE**

**Petitioner** : Association for Elections and Democracy (Perludem), Hadar Nafis Gumay, et al.

**Type of Lawsuit** : Judicial review of Law Number 7 of 2017 concerning General Elections (Election Law) concerning the 1945 Constitution of the State of the Republic of Indonesia (1945 Constitution).

**Case of Lawsuit** : Article 210 paragraph (1), Article 348 paragraph (4), Article 348 paragraph (9), Article 350 paragraph (2), and Article 383 paragraph (2) of the Election Law is contrary to Article 22E paragraph (1), Article 27 paragraph (1), Article 28C paragraph (2), Article 28D paragraph (1), Article 28D paragraph (3), Article 28I paragraph (2), and Article 28I paragraph (4) of the 1945 Constitution.

**Injunction** : In the Provision:

 Granting the petitions for provision for Petitioner I, Petitioner IV, Petitioner V, Petitioner VI, and Petitioner VII.

 In the Substance of Petition:

 1. Granting the petition of Petitioner I, Petitioner IV, Petitioner V, Petitioner VI, and Petitioner VII in part;

 2. Declaring the phrase "electronic resident identity card" in Article 348 paragraph (9) of Law Number 7 of 2017 concerning General Elections (State Gazette of the Republic of Indonesia Number 182 of 2017 and Supplement to the State Gazette of the Republic of Indonesia Number 6109) is contrary to the 1945 Constitution of the Republic of Indonesia, and does not have a binding legal force conditionally, as long as it is not interpreted "including a certificate of recording of electronic resident identity cards issued by the department for population and civil registration or other similar institutions which have the authority for that".

 3. Declaring the phrase "no later than 30 (thirty) days" in Article 210 paragraph (1) of Law Number 7 of 2017 concerning General Elections (State Gazette of the Republic of Indonesia Number 182 of 2017and Supplement to the State Gazette of the Republic of Indonesia Number 6109) is contrary to the 1945 Constitution of the Republic of Indonesia and has no binding legal force conditionally, as long as it is not interpreted "no later than 30 (thirty) days before the voting day, except for voters due to unexpected conditions beyond the ability and willingness of the voters to be sick, affected by natural disasters, become prisoners, and because they run the duty at the time of voting is determined no later than 7 (seven) days before the voting day".

 4. Declaring the phrase "only carried out and finished at the Voting Place/ Overseas Voting Place concerned on the voting day "in Article 383 paragraph (2) of Law Number 7 of 2017 concerning General Elections (State Gazette of the Republic of Indonesia Number 182 of 2017 and Supplement to the State Gazette of the Republic of Indonesia Number 6109) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force conditionally, as long as it is not interpreted " only carried out and finished at the Voting Place/Overseas Voting Place concerned on the voting day and in the event that the vote count has not been finished it can be extended without a gap no later than 12 (twelve) hours from the end of the voting day."

 5. Declaring the petitions of Petitioner II and Petitioner III is unacceptable.

 6. Rejecting the petitions of Petitioner I, Petitioner IV, Petitioner V, Petitioner VI, and Petitioner VII for the rest and remainder.

 7. Ordering the containing of this verdict in the State Gazette of the Republic of Indonesia as appropriate.

**Date of Verdict** : Thursday, March 28, 2019.

**Verdict Summary** :

The Petitioners postulate each as a private legal entity (Perludem) and individual Indonesian citizens feel their constitutional rights are impaired by the enactment of Article 210 paragraph (1), Article 348 paragraph (4), Article 348 paragraph (9), Article 350 paragraph (2), and Article 383 paragraph (2) of the Election Law.

The Petitioners postulated in principle that 1) the requirement to have an electronic Resident Identity Card as a condition of using the right to vote for citizens who have not been registered in the Permanent Voter List (DPT) of the Election has impaired the constitutional rights of the Petitioners; 2) restrictions on the right to vote only for candidates according to the constituency in which the voters are registered, for those voters who have moved to vote have caused the loss of the right of voters who have moved to vote to exercise their right to vote for legislative member candidates; 3) limitation of the period of voter registration in the Additional Voters List (DPTb) no later than 30 days before polling day which can lead to obstruction, hampered the rights of some voters who moved to vote because of the unexpected conditions; 4) restrictions on the establishment of DPT-based Polling Place have caused some voters to be obstructed from exercising their voting rights; and 5) the deadline for vote counting that must be completed on polling day has the potential to cause legal problems that could disrupt the validity of elections.

The Petitioners also filed a petition for provisions which principally petitioned that the Court prioritize the examination of the said lawsuit and handed down the verdict before the polling day of the 2019 Election which will be held on April 17, 2019.

Against the petition for the provision of the Petitioners because according to the Court the Petitioners' petition has implications for the use of their voting rights in the voting which will be held on April 17, 2019, then by sticking to the procedural law in force in the Constitutional Court, the Petitioners' petition for provisions has legal grounds.

Related to the authority of the Constitutional Court, the Court has the opinion that in accordance with the provisions of Article 24C paragraph (1) of the 1945 Constitution in conjunction with Article 10 paragraph (1) of the Constitutional Court Law, the Court has the authority to adjudicate at the first and last instance, in which the verdict are final in order to review the constitutionality of Article 348 paragraph (9 ), Article 348 paragraph (4), Article 210 paragraph (1), Article 350 paragraph (2), and Article 383 paragraph (2) of the Election Law against the 1945 Constitution.

Regarding the legal standing of the Petitioners, the Court has the opinion that some of the Petitioners, namely Petitioner I, Petitioner IV, Petitioner V, Petitioner VI, and Petitioner VII, have the legal standing to act as Petitioners.

Against the arguments of the Petitioners, the Court has the opinion that against the five main issues contained in the five formulations of the Election Law norms, the Court considers the following matters:

1. Regarding the requirements for having an electronic Resident Identity Card (KTP-el).

Whereas in fact the process of implementing population affairs by the regional government is still ongoing, so that not all citizens who have the right to vote have a KTP-el. Such conditions can be detrimental to the right to vote of citizens who are not actually caused by factors of error or negligence as citizens. If the requirement to have a KTP-el still applies to citizens who are completing affairs of population data, then their right to vote is not protected. In order that the voting rights of citizens in question can still be protected and served in the General Election, the required conditions for documents in the form of a certificate of KTP-el recording which are issued by the agency that manages population affairs and civil registration. So, not a certificate published or issued by another party.

Whereas based on legal reasons as described above, the Court still believes that the minimum requirement for voters to be able to exercise their right to vote is to have a KTP-el in accordance with the Population Administration Law. In the event that the KTP-el is not yet owned, while the person concerned has fulfilled the requirements to have the right to vote, then before the KTP-el is obtained, the person concerned can use a certificate of KTP-el recording from the agency that manages population affairs and civil registration of the relevant institution as a substitute for the KTP-el.

With such a standpoint, it does not mean that the Court has changed its standpoint as confirmed in previous verdicts. The previous Court’s verdicts that allowed citizens to use a number of personal identification card to vote (for voters who were not registered in the Permanent Voters List) was when population data had not been integrated with electoral data, so there was potential where citizens could not exercise their voting rights. Meanwhile, at this time, the data integration in question has been made so that the reasons for using other identities outside the KTP-el are losing ground reference to maintain it in the context of the use of the right to vote. Because, if such views are not adjusted to the development of integration of population data and electoral data, it will result in disruption of population data validity which is at the same time electoral data which will ultimately lead to election legitimacy.

Based on the above considerations, some of the Petitioners' arguments related to Article 348 paragraph (9) of the Election Law have legal grounds as long as the term "electronic resident identity card" is also interpreted to include "certificate of recording of electronic resident Thus, Article 348 paragraph (9) of the Election Law must be declared conditionally unconstitutional, as long as it is not interpreted, "Residents who have the right to vote as referred to in paragraph (1) letter d can cast his/her vote at the Polling Station/Overseas Polling Station by using an electronic resident identity card or certificate of recording of electronic resident identity card issued by the department for population and civil registration (Disdukcapil) or other similar institutions that have the authority for that ".

In connection with the Court's legal considerations above, it is important for the Court to remind the government to accelerate the process of recording of electronic Resident Identity Card for citizens who have not done the recording, especially those who have the right to vote, so that it can be realized before the polling day.

Whereas based on the aforementioned legal considerations, the said petition is related to Article 348 paragraph (9) of the Election Law is contrary to the 1945 Constitution and does not have binding legal force insofar as it is not interpreted "in terms of not having an electronic Resident Identity Card, can use other identity cards, i.e. non-electronic Resident Identity Card, certificate, birth certificate, family card, marriage certificate, or other identity instrument that can prove that he/she has the right to vote, such as the Voting Card issued by the General Election Commission" is to have legal reasons in part.

2. Regarding the right to vote for voters who move to vote.

Whereas the provisions contained in Article 348 paragraph (4) of the Election Law are applied to "Voters with certain conditions" as referred to in Article 348 paragraph (3) of the Election Law. The meaning of "Voters with certain conditions", as contained in the Elucidation of Article 348 paragraph (3) of the Election Law, is voters who are in school and/or work outside their domicile, are sick, and voters who are serving a prison or confinement sentence. Meanwhile, the limitation of the right to vote against election candidates/participants as provided for in Article 348 paragraph (4) of the Election Law is a logical consequence of the existence and enactment of constituencies. In this case, the constituency not only determines the constituency boundaries boundary for election participants, but also the constituency boundaries for voters. That is, the constituency is a limit to the use of the right to vote, both the right to vote and the right to be elected. In that context, the regulation of limiting the right to vote against the election participants at a certain level based on the constituencies is a very logical and not excessive legal policy. Regarding the previous applicable election regulations, there are no such regulations which cannot be used as a benchmark for assessing changes and/or developments in regulations. As long as the changes to the rules are still within the limits intended to maintain the fairness and proportionality of the electoral procedures, they cannot be considered as a limitation which is contrary to the 1945 Constitution, especially regarding constitutional rights related to the right to vote. The Court will further consider the following matters:

First, as a means of implementing popular sovereignty, elections are technically understood as a mechanism for the conversion of people's votes into seats in representative institutions. The converted people's votes are the people’s votes who elect their representatives in the election. The process of converting popular votes into canalized seats through constituency-based elections. This canalization not only means that the electoral process is done based on the constituency, but also means that the constituency is a representative region, so that elected representatives are responsible to the constituents in the constituency in which they are elected. This means that the people's votes that is converted into a seat for members of representative institutions (both the House of Representatives, Regional Representative Council, provincial House of Representatives and municipal/regencial House of Representatives) has consequences for the emergence of an accountability model for constituency-based representative institution members. Thus, with the existence of constituency, the accountability of each elected representative institution members becomes clear, both on a regional basis and to the people/voters who provide the mandate in the election.

As the basis for the election and also the accountability of elected people's representatives, the constituency is also the basis of the relationship between the representatives and those they represent. The constituency is an area where two subjects in the representative system interact with each other. In order for interaction between representatives and those represented as subjects in a constituency, the elected representatives must be people who can be held accountable by the people/voters. At the same time, the people who vote are also those who can hold their representatives accountable. Of course what is meant by accountability in this case is political accountability. In such a position, only those who are elected and those who are registered and elect in one constituency that can be connected in the representative and representative relations. Therefore, limiting the right of voters to vote for candidates/participants in elections based on the place in which they are registered as permanent voters is a legal policy that does not conflict with the design of an honest and fair electoral system and, at the same time, as well as accountable.

Second, the limitation of the right to elect candidates/participants of the election in accordance with the levels as provided for in Article 348 paragraph (4) of the Election Law applies based on the scale of moving to vote. In the meaning, the right to vote that cannot be used is the right to vote for candidates in the constituency that is abandoned. However, when moved to vote is still in the same constituency, then a voter still has the right to vote for the candidate/participant in the election in question. Such a legal framework cannot be judged as the elimination of the right to elect legislative members as argued by the Petitioners. Because, the right to vote for candidates/participants in the election for voters who are not from the constituencies concerned is basically nonexistent. That is, when voters have left their constituencies, the voting rights are no longer valid for exercise. It is precisely when the right to vote is still given to voters whose base of representation is not in the constituency concerned, the concept of constituency boundaries and the accountability of elected representatives will become unclear. Therefore, as provided for in Article 348 paragraph (4) of the Election Law in principle is to maintain the purity of the constituency-based electoral system and at the same time to maintain the clarity of the accountability system of elected representatives to voters who are indeed from the constituencies concerned.

Based on these legal considerations, the Court has the opinion that the said Petitioners who declared that Article 348 paragraph (4) of the Election Law is contrary to the 1945 Constitution is have no legal reason.

3. Regarding the deadline for registration of transferred voters.

Whereas within certain limits, the limitation of the period of time no later than 30 (thirty) days before the polling day for the transferred voters for certain reasons in order to be registered in the Additional Voters List can be qualified as a rational legal policy. Rational in the meaning that with the limitation of the period of time in question, the electoral organizer has the opportunity to prepare the election logistics needs to serve the right to elect of the transferred voters. Without such time period settings, when the number of transferred voters occurs in large numbers and accumulate in certain regions, such voters’ voting rights will not be fulfilled. In that context, the determination of period of time in question can also be considered as legal engineering so that the transferred voters can actually be served their voting rights. Thus, for the context of how election administrator can serve the voting rights of transferred citizens, the restriction policy no later than 30 (thirty) days before polling day is a legal policy that cannot be generally considered contrary to the 1945 Constitution.

Whereas even so, the time limitation still contains the potential of not serving the right to vote of the citizens who experience certain conditions beyond the ability and willingness of the person concerned. In this case, no one can predict when someone will experience illness, have legal problems, so that they are arrested or affected by natural disasters. This can happen to voters precisely within a time close to polling day, so they have to transfer to vote.

Whereas the need for a period of time preparing services for transferred voters and efforts to fulfill the voting rights of citizens who experience certain conditions or circumstances (sick, become prisoners, affected by natural disasters, or carry out their duties at the time of voting) which requires them to transfer to vote are two equally important things, one must not negate the other. In the meaning, the reason for serving the right to vote for citizens must still be in the framework of providing sufficient time for the administrator to prepare all the voting equipment. At the same time, the reason for giving sufficient time for administrator must not neglect the voting rights of citizens who experience certain conditions. Therefore, in order to fulfill the right to vote and the need for sufficient time availability for the election administrator, a proportional limit must be determined, so that the principles of conducting an honest and fair election in order to fulfill citizens' voting rights can still be met.

Whereas based on this reason, the deadline for voters to be registered in the Additional Voters List no later than 30 (thirty) days before the polling day must still be maintained because within that timeframe it is estimated that the election administrator can meet the election logistics needs. However, the time limit no later than 30 (thirty) days before the polling day must be excluded for voters who are registered as the transferred voters for reasons of certain circumstances, namely illness, natural disaster, being a prisoner, as well as carrying out their duties at the time of voting, the said voter can transfer to vote and be registered in the Additional Voters List no later than 7 (seven) days before polling day. This means that only for voters who experience certain conditions can transfer to vote within a period of time no later than 7 (seven) days before polling day. As for voters who do not have certain conditions in question, the provisions no later than 30 (thirty) days before the polling day still applies.

Whereas such a time limit is needed to avoid large numbers of voting transfers due to work reasons or other reasons approaching polling day, so that there is not enough time available for the administrator to provide additional election logistics. Within the reasonable limit of reasoning, the availability of such time is important as a basis for consideration because with limited time will present another condition, namely the potential of not fulfilling the right to vote properly due to the unavailability of sufficient time to fulfill the additional election logistics by the administrator. When such conditions occur, the election results have the potential to be questioned and the election administrator will easily be judged not to hold elections in a professional manner. Therefore, in order to avoid problems in the voting process due to insufficient ballots and other logistics, exceptions to the validity of the deadline no later than 30 (thirty) days before polling day can only be applied to voters who experience certain conditions as described above.

Whereas based on the legal considerations above, the Petitioners' argument is related to the constitutionality of Article 210 paragraph (1) of the Election Law insofar as it is aimed at protecting the right to vote for voters who experience certain conditions, it has a legal reason in part, but not by changing the time limit no later than 30 (three twenty) days into 3 (three) days before the polling day, but by applying an exception to voters who experience certain conditions.

Thus, the deadline is no later than 30 (thirty) days before the polling day as referred to in Article 210 paragraph (1) of the Election Law does not apply to voters in certain circumstances, namely voters who are sick, affected by natural disasters, become prisoners for committing criminal acts, or carrying out duties at the time of voting. For the sake of, on the one hand, the fulfillment of the constitutional rights of voters in certain circumstances to exercise their voting rights, and on the other hand, the administrator has sufficient time to guarantee the availability of logistics related to the fulfillment of said rights, then no later than 7 (seven) days before the polling day is a rational deadline to be set as the deadline for such voters to be registered in the Addition Voters List.

4. Regarding the Formation of Additional Polling Stations.

Whereas it must be understood, the construction of norms of Article 350 paragraph (2) of the Election Law does not regulate the basis for the formation of Polling Station, as understood and argued by the Petitioners, but is related to the conditions for the location of the formation of Polling Station. In this case, the formation of polling stations must be located in a place that is easily accessible to voters, does not combine villages, pay attention to geographical aspects and guarantee that every voter can case his/her vote directly, freely, and confidentially. So, the emphasis is precisely on the phrase "guarantee that each voter can cast his/her vote directly, freely and confidentially" which is nothing but three of the six important principles in the election which are explicitly declared in Article 22E paragraph (1) of the 1945 Constitution. The real intention desired by the phrase is "guarantee that each voter can cast his/her vote directly, freely and confidentially" is the location chosen to form the polling station. In the meaning, polling stations should not be placed in locations that do not provide guarantees to voters to be able to cast his/her vote directly, freely, and confidentially.

Whereas due to the construction of Article 350 paragraph (2) of the Election Law is related to the Polling Station location requirements, the said norm cannot be used as a legal basis for the formation of additional polling stations intended to accommodate voters who have moved to elect those who are concentrated in certain areas who are potentially unable to exercise their voting rights. On the basis of such considerations the petitioners' petition that the phrase "guarantee that each Voter can cast his/her vote directly, freely, and confidentially" is interpreted to be "in the event that the number of additional Voters List in a place exceeds the maximum number of Voters in the Polling Station determined by the General Election Commission, a Polling Station may be formed based on the additional Voters List" are irrelevant. Within the reasonable limits of reasoning, interpreting said phrases other than those contained in the text of the norm potentially threatens the principle of "direct", "free", and "confidential" which are three of the six fundamental principles in the exercise of the right to vote as stipulated in Article 22E paragraph (1) of the 1945 Constitution. Therefore, if the said phrase is interpreted as petitioned by the Petitioners, such interpretation will actually be contrary to the soul or spirit of Article 22E paragraph (1) of the 1945 Constitution.

Whereas even so, the Court understands and can capture the enthusiasm in question by the Petitioners regarding the need to open space for the General Election Commission to form additional polling stations in order to serve and fulfill the right to vote for voters who have moved to vote. However, in relation to the aforementioned matter, it must be understood that the construction of norms governing permanent voter lists and additional voter lists in relation to the norms for the establishment of polling stations in the Election Law has actually provided space for the General Election Commission to establish additional polling stations in accordance with voter data in the permanent voter lists and additional voter lists.

Whereas related to the opinion of the Court, it can be explained further as follows: Article 210 paragraph (2) of the Election Law opens the opportunity for voters registered in the Permanent Voters List who experience certain conditions to move to vote for another Polling Station/Oveseas Polling Station. The opportunity to move to vote in question will certainly have consequences for the displacement of the number of voters from one place to another. Such displacement can occur equally between constituencies because voters who go in and out in one polling station in an equal number. Otherwise, displacement of voters can also occur in a concentrated in certain areas, in which the displacement of voters to and from polling stations in one particular area is not balanced, so causing an accumulation of voters whose numbers can exceed the maximum capacity of voters in polling stations. In such conditions it is certain that voters who move to vote who happen to be concentrated in certain regions will not be able to use their voting rights. This can occur in several forms, such as the difference in the maximum number of voters at the polling station is smaller than the number of voters contained in the additional Voters List; or the availability of the opportunity to vote in a number of polling stations in one region is very small because the number of voters in the existing polling stations reached a maximum number of voters of 300 people in accordance with Article 11 of the Regulation of General Election Commission Number 3 of 2019 concerning Voting and Vote Counting in Elections. Such conditions will certainly cause voters who are registered in the additional Voters List will not be able to vote, unless the General Election Commission forms additional polling stations. In the case that the additional Voters List data owned by the General Election Commission indicate that the right to vote can only be fulfilled by forming additional polling stations, the General Election Commission as the election organizer responsible for fulfilling the voting rights of citizens can form additional polling stations.

Whereas in accordance with the construction of norms governing voter data in the Election Law, it can be understood that the additional Voters List is not actually a new voter data. Because the additional Voters List is the voter data in the Permanent Voters List which is due to certain circumstances, must move to another Polling Station. Thus, the additional Voters List is actually a voter data which is an inseparable part of the Permanent Voters List. Therefore, when the Polling Station is formed based on voter data in the Permanent Voters List, it means that the additional Voters List data also forms part of the database that can be used as the basis for the formation of the Polling Station. Therefore, if the voter data in the Permanent Voters List and additional Voters List does require additional Polling Station, it is in accordance with the General Election Commission's authority to regulate the number, location, shape and layout of the Polling Station as provided for in Article 350 paragraph (5) of the Election Law, the General Election Commission can form additional Polling Station in accordance with the additional Voters List data.

Whereas although the Court has emphasized that the General Election Commission can form additional polling stations as a consequence of the opportunity to move to vote for citizens through the Election Law, the formation of additional polling stations must still be carried out carefully by considering the real need to fulfill and serve the right to vote for citizens and consider the number of voters in the additional Voters List. Based on these legal considerations, the Petitioners' argument declaring that the phrase "guarantees that each Voter can cast his vote directly, freely, and confidentially" in order to be interpreted to be "in terms of the number of Voters of the additional Voters List in a place exceeds the maximum number of voters in Polling Stations determined by the General Election Commission, a Polling Station can be formed based on the Voters of the additional Voters List" is no legal grounds.

5. Regarding the vote counting deadline.

Whereas the 2019 election was the first simultaneous election because for the first time, the presidential and vice presidential elections were held simultaneously with legislative member elections (i.e. elections to elect members of the House of Representatives, Regional Representative Council, Provincial House of Representatives, and Municipal/Regencial House of Representatives). One consequence of the simultaneous election is the increasing types of ballots and ballot boxes. If in the 2014 elections, in this case the elections for legislative members, there were four ballot boxes, so in the 2019 elections, which combined the implementation of the presidential and vice presidential elections carried out simultaneously with the legislative member elections, there were five ballot boxes. Such implementation, within the reasonable limits of reasoning, will cause additional burdens in the implementation, including requiring more time. Moreover, the number of political parties contesting in the 2019 Election is more than the 2014 Election. Related to that, Article 350 paragraph (1) of the Election Law anticipates by limiting that the voters for each polling station is at most 500 people. In fact, after going through a simulation, in accordance with Article 11 paragraph (1) of the Regulation of General Election Commission Number 3 of 2019 concerning Voting and Vote Counting in the General Election, the General Election Commission regulates that the number of voters for each polling station is at most 300 people.

Whereas although the number of voters for each Polling Station has been determined at most 300 people, but with the large number of election participants, consisting of two pairs of presidential candidates, 16 (sixteen) national political parties and specialized in Aceh plus four (4) local political parties contesting in the election with three levels of election, and individual candidates for Regional Representative Council members, as well as the complexity of the forms that must be filled in completing the vote counting process, the non-completion potential of the vote counting process on polling day is very open. Not to mention if the capacity and capability factors of the election management apparatus, especially at the polling station level, are also considered.

Therefore, in the event that the undesirable potential actually occurs, while the Election Law stipulates very short time limits in counting votes that must be completed on polling day, the validity of the election results will be open for question.

Whereas in order to overcome this potential problem, the provisions on the time limit for vote counting as provided for in Article 383 paragraph (2) of the Election Law must be opened but with due regard to the potential for fraud that may occur. Such potential for fraud will open up if the vote counting process is not completed on polling day and then continued the next day with a time lag. Therefore, according to the Court, the extension of the vote counting period can only be done as long as the counting process is carried out continuously until a maximum of 12 hours has passed since the end of the voting day at the Polling Station/Overseas Polling Station. Extension of up to 12 hours at the end of polling day at the Polling Station/Overseas Polling Station, which is at 24.00 local time, is a reasonable time, if the time is extended any longer it can cause other problems at the Voting Organizing Group (KPPS) level.

Whereas based on the above considerations, the Court has the opinion that some arguments of the Petitioners insofar as they relate to the time limit for vote counting at the Polling Station/Overseas Polling Station as provided for in Article 383 paragraph (2) of the Election Law is quite reasonable. It's just that, to reduce all possible risks, especially the risk of fraud, the length of time for an extension of the vote counting is given a maximum of 12 (twelve) hours. With this time, within reasonable limits of reasoning, it is more than enough to resolve non-completion potential of the vote counting process at Polling Station/Overseas Polling Station on the polling day. In connection with that, Article 383 paragraph (2) of the Election Law must be declared contrary to the 1945 Constitution as long as it is not interpreted, "Voting as referred to in paragraph (1) is only done and completed at the Polling Station/Overseas Polling Station concerned on polling day and in case vote counting not yet completed can be extended no later than 12 (twelve) hours since the end of polling day."

With the meaning of Article 383 paragraph (2) of the Election Law as stated above, all norms containing the deadline related to or affected by the addition of the 12 (twelve) hour period of time must also be adjusted to the aforementioned additional time. Based on all the legal considerations above, the Court has the opinion that Petitioner I, Petitioner IV, Petitioner V, Petitioner VI, and Petitioner VII have legal reasons in part.

Thus, the Court subsequently handed down the verdict, in which the injunction as follows:

In the Provision:

Granting the petition for provision of Petitioner I, Petitioner IV, Petitioner V, Petitioner VI, and Petitioner VII.

In the Substance of Petition:

1. Granting the petition of Petitioner I, Petitioner IV, Petitioner V, Petitioner VI, and Petitioner VII in part;

2. Declaring the phrase "electronic resident identity card" in Article 348 paragraph (9) of Law Number 7 of 2017 concerning General Election (State Gazette of the Republic of Indonesia Number 182 of 2017 and Supplement to the State Gazette of the Republic of Indonesia Number 6109) is contrary to the 1945 Constitution of the Republic of Indonesia and has no binding legal force conditionally as long as it is not interpreted "includes a certificate of recording of electronic resident identity card issued by the department for population and civil registration or other similar institutions which have the authority to do so".

3. Declaring the phrase "no later than 30 (thirty) days" in Article 210 paragraph (1) of Law Number 7 of 2017 concerning General Election (State Gazette of the Republic of Indonesia Number 182 of 2017 and Supplement to the State Gazette of the Republic of Indonesia Number 6109) is contrary to the 1945 Constitution of the Republic of Indonesia and has no binding legal force conditionally as long as it is not interpreted "no later than 30 (thirty) days before the polling day except for voters due to unexpected conditions beyond the ability and willingness of the voters to be sick, affected by natural disasters, become prisoners, and because they run the duty at the time of voting is determined no later than 7 (seven) days before polling day."

4. Declaring the phrase "only to be done and completed at the Polling Station/Overseas Polling Station concerned on the polling day" in Article 383 paragraph (2) of Law Number 7 of 2017 concerning General Election (State Gazette of the Republic of Indonesia Number 182 of 2017 and Supplement to the State Gazette of the Republic of Indonesia Number 6109) is contrary to the 1945 Constitution of the Republic of Indonesia and has no binding legal force conditionally as long as it is not interpreted "only to be done and completed at the Polling Station/Overseas Polling Station e concerned on the polling day and in the case of the incomplete vote counting can be extended without a gap of no longer than 12 (twelve) hours from the end of the polling day."

5. Declaring the petition of Petitioner II and Petitioner III is unacceptable.

6. Rejecting the petition of Petitioner I, Petitioner IV, Petitioner V, Petitioner VI, and Petitioner VII for the rest and remainder.

7. Ordering the containing of this verdict in the State Gazette of the Republic of Indonesia as appropriate.

This document is translated from Indonesian into English by me, **Drs. EMIL SUSANTO**,

the Authorized and Sworn Translator in Jakarta - Indonesia

JAKARTA, June 24, 2020