



**THE CONSTITUTIONAL COURT
REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
ON CASE NUMBER 93/PUU-XVIII/2020**

**Concerning
Implementing Regulations Made Past the Time Limit Determined by the Construction
Services Law**

- Petitioner** : **The Indonesian Construction and Installation Association (Aklindo),**
represented by Dr. Andi Amir Husry as General Chairman
- Case** : Review of Law Number 2 of 2017 concerning Construction Services
(Law 2/2017) against the 1945 Constitution of the Republic of Indonesia
(UUD 1945).
- Case of Lawsuit** : Article 105 of Law 2/2017 contradicts Article 28C paragraph (2) and
Article 28D paragraph (1) of the 1945 Constitution.
- Injunction** : Declare the petition of the Petitioner cannot be accepted.
- Date of Decision** : Thursday, January 14, 2021.
- Decision overview** :

Whereas the Petitioner in the a quo petition explained their qualifications as a Private Legal Entity which is a forum for business entities engaged in the construction business and has a function to fight for the aspirations and interests of members;

In relation to the authority of the Court, because the Petitioners' petition is a petition to review the constitutionality of the norms of the Law, in casu of the norm of Article 105 of Law Number 2 of 2017 concerning Construction Services (Law 2/2017) against the 1945 Constitution, the Court has the authority to adjudicate the a quo petition;

Before the Court considers the subject of the petition of the Petitioner, the Court shall first consider the legal standing of the Petitioner as follows:

1. Whereas the Petitioner explained that it is a legal entity in the form of an association called the Indonesian Construction and Installation Association (AKLINDO) which was established on August 23, 2005, based on Deed Number 63 made by Notary Sri Ismiyati, S.H., and has been registered with the Directorate General of National Unity and Politics, Ministry of Home Affairs on February 17, 2012, and then made adjustments to the 2019 AKLINDO Articles of Association and Bylaws based on the Notary Deed Number 47 made by Notary Hestyani Hassan, S.H., M.K.N., dated March 30, 2020, including establishing the organization of the association's management chaired by Dr. Amir Husry;
2. Whereas in the capacity as a Private Legal Entity, the Petitioner has the obligation to explain who can legally represent the association to be able to act for and on behalf of the association both inside and outside the court. Meanwhile, in Chapter IV of the Bylaws concerning the duties and authorities of the management board, Article 15 related to the duties and authorities of the central board of Aklindo does not specifically formulate the duties of the Central Board to be able to represent Aklindo inside and outside the court;

3. Whereas in the Preliminary hearing dated November 16, 2020, the Court has given advice so that the Petitioner describe and explain who has the right to represent Aklindo both inside and outside the court, including to file the a quo petition;
4. Whereas in the Amendment of the Petition, the Petitioner stated that the review of the constitutionality of the norms of Article 105 of Law 2/2017 was filed based on the results of the meeting and deliberation of the Aklindo Central Board. However, after the Court investigated, it turned out that there was no evidence that could strengthen the mandate to the General Chairman of Aklindo to represent this legal entity to file a petition to the Constitutional Court.

Based on all the above legal considerations, according to the Court, the Petitioner does not have the legal standing to file the a quo petition.

Therefore, the Court issued a decision stating that the Petitioner's petition cannot be accepted.