



**THE CONSTITUTIONAL COURT  
OF THE REPUBLIC OF INDONESIA**

**THE SUMMARY OF THE DECISION  
OF CASE NUMBER 2/SKLN-XIX/2021**

**Concerning**

**Petition Against Presidential Decree Regarding Governor Inauguration**

<b>Petitioner</b>	: <b>Khairil Anwar</b>
<b>Type of Case</b>	: Disputes on the Authority of State Institutions whose authorities are granted by the 1945 Constitution of the Republic of Indonesia (SKLN)
<b>Subject Matter</b>	: Petition against the Decree of the President of the Republic of Indonesia Number 105/P of 2021 concerning the Dismissal of the Acting Governor of South Kalimantan and Ratification of the Appointment of the Governor and Deputy Governor of South Kalimantan.
<b>Verdict</b>	: To declare that that the Petitioner's petition is inadmissible.
<b>Date of Decision</b>	: Wednesday, December 15, 2021.
<b>Overview of Decision</b>	:

Before the Court further considers the Petitioner's petition, the Court needs to consider the following matters:

Whereas the Petitioner submitted the petition through the petition file dated September 16, 2021 which in its case stated: "The Petition against the Decree of the President of the Republic of Indonesia Number 105/P of 2021 concerning the Dismissal of the Acting Governor of South Kalimantan and the Ratification of the Appointment of the Governor and Deputy Governor of South Kalimantan". The petition was submitted as a case of Dispute on the Authority of State Institutions whose Authorities were granted by the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as SKLN).

Whereas Article 30 letter b of the Constitutional Court Law states: "The petition must be made with a clear description of: ...b. disputes over the authority of state institutions whose authorities are granted by the 1945 Constitution of the Republic of Indonesia." Furthermore, regarding the conditions of the SKLN petition, Article 61 paragraph (2) of the Constitutional Court Law states: "The petitioner is obliged to explain clearly in his petition the direct interests of the petitioner and describe the authority in dispute and clearly mention the state institution which is the respondent."

In this regard, Article 5 paragraph (1) of the Regulation of the Constitutional Court Number 08/PMK/2006 concerning Guidelines for Proceeding in Disputes on the Constitutional Authority of State Institutions (PMK 08/2006) also states that: (1) The petition is written in Indonesian and must contain: a. The identity of the state institution that is the petitioner, such as the name of the institution, the name of the head of the institution, and the full address of the state institution, b. the name and address of the state institution that is the respondent, c. clear description of: 1. disputed authority; 2. the petitioner's direct interest in such authority; 3. matters that are petitioned to be decided.

After the Court review the Petitioner's petition and listened to the Petitioner's statements at trial, it was found that the Petitioner's petition did not clearly describe in its petition the direct interests of the Petitioner and did not describe the authority in dispute and did not clearly mention the state institution that was the Respondent. The Petitioner also did not provide a description of the capacity and qualifications of the Petitioner as individual and his relation to state institutions which could become the reason for him to be a Petitioner as determined by the Constitutional Court Law and did not clearly describe the matters requested for a decision (petitum). Although the Court has given advice to the Petitioner at the Preliminary Session on November 9, 2021 to improve his petition by clarifying the description of the petition and adjusting to the conditions as stipulated by the Constitutional Court Law and PMK 08/2006, the Petitioner remain in his position and state that he will not correct the petition. Based on these legal facts, according to the Court, the Petitioner's petition is unclear and does not meet the requirements for the SKLN petition as stipulated in the Constitutional Court Law and PMK 08/2006 so that it must be declared as inadmissible.

Accordingly, the Court subsequently issued a decision stating that the Petitioner's petition is inadmissible.