



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 86/PUU-XXII/2024**

Concerning

Participation in Public Housing Savings

Petitioners	: Leonardo Olefins Hamonangan and Ricky Donny Lamhot Marpaung
Type of Case	: Judicial Review of Law Number 4 of 2016 concerning Public Housing Savings (Law 4/2016) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	: Article 7 paragraph (1), paragraph (2), and paragraph (3) and Article 72 paragraph (1) letter e and letter f of Law 4/2016 are contrary to the 1945 Constitution of the Republic of Indonesia
Verdict	: To declare that the Petitioners' petition is inadmissible
Date of Decision	: Monday, September 29, 2025
Overview of Decision	:

The Petitioners are individual Indonesian citizens, Petitioner I is a private employee and Petitioner II is an MSME seller or self-employed, they believe that their constitutional rights to obtain decent and humane work and protection and fair legal certainty as guaranteed in Article 27 paragraph (2) and Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia have been harmed by the enactment of the article norms whose constitutionality is being reviewed because it potentially increases the economic burden of workers since they are required to pay the public housing savings (*tabungan perumahan rakyat* or Tapera) of 3%, when in fact the salary of Petitioner I has already been deducted by 4% to pay for the membership of BPJS Ketenagakerjaan (Employment Social Security).

With respect to the Court's authority, whereas because the Petitioners petition for a review of the constitutionality of statutory norms, *in casu*, Article 7 paragraph (1), Article 7 paragraph (2) and the phrase "or is married" in Article 7 paragraph (3) and Article 72 paragraph (1) letter e and letter f of Law 4/2016 against the 1945 Constitution, therefore the Court has the authority to hear the petition *a quo*.

With respect to the legal standing, the Court is of the opinion that the Petitioners have fulfilled the qualifications as individual Indonesian citizens who have the constitutional rights as guaranteed in Article 27 paragraph (2), Article 28D paragraph (1) of the 1945 Constitution. In

addition, with respect to the assumed loss of the Petitioners' constitutional rights, the Court is of the opinion that the assumption is specific and potential in nature, because the enactment of the norm of the article for which the Petitioners are requesting judicial review, specifically regarding the obligation to become Tapera participants which will come into effect in 2027, potentially increases the economic burden of the Petitioners. Therefore, there is a causal relationship (*causal verband*) between the assumed constitutional loss described by the Petitioners and the enactment of the statutory norms being reviewed, if the petition is granted, the constitutional loss as described will not occur. Therefore, the Court is of the opinion that, regardless of whether or not the unconstitutionality of the norms being reviewed is proven, the Petitioners have the legal standing to act as Petitioners in the petition *a quo*.

Furthermore, with respect to the subject matter of the Petitioners' petition, before answering the question of the constitutionality of the norms argued by the Petitioners, the Court first states that with respect to the constitutionality of norms in the Public Housing Savings Law, the Court has described its views regarding the general principles of guaranteeing the protection of the right to adequate housing in the constitution as stated in Paragraph **[3.13]** of the Constitutional Court Decision Number 96/PUU-XXII/2024. Because these general views and principles relate to the issue for which this judicial review is submitted, such views and principles also apply to the decision *a quo*.

Furthermore, the Court has given its considerations in the Constitutional Court Decision Number 96/PUU-XXII/2024, in which the verdict states that the Court grants the Petitioner's petition in its entirety. Therefore, even though the Petitioners in Case Number 96/PUU-XXII/2024 did not question the constitutionality of the norms of Article 7 paragraph (2) and paragraph (3) of Law 4/2016 unlike the petition *a quo*, however, because Law 4/2016 has been declared unconstitutional by the Court as per the Constitutional Court Decision Number 96/PUU-XXII/2024, the petition *a quo* of the Petitioners have lost its object.

Accordingly, the Court subsequently passes down a decision whose verdict states that the Petitioners' petition is inadmissible.