CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA

SUMMARY OF DECISION
FOR CASE NUMBER 60/PUU-XXIII/2025

Concerning

Study Program Accreditation by the Independent Accreditation Institution

Petitioners	:	**Badan Kerja Sama Dekan Fakultas Hukum Perguruan Tinggi Negeri se-Indonesia (Cooperation Body of Deans of Law Faculties of State Universities throughout Indonesia) (abbreviated as "BKS Dekan FH-PTN Se-Indonesia"), represented by Dahliana Hasan as chairperson and Ferry Fathurokhman as secretary and Erma Rusdiana as treasurer, et al.**
Type of Case	:	Judicial review of Law Number 20 of 2003 concerning National Education System (Law 20/2003) and Law Number 12 of 2012 concerning Higher Education (Law 12/2012) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	:	Article 60 paragraph (2) of Law 20/2003 and Article 55 paragraph (5), paragraph (6), paragraph (7), and paragraph (8) of Law 12/2012 are contrary to the Fourth Paragraph of the Preamble of the 1945 Constitution of the Republic of Indonesia, Article 27 paragraph (2), Article 28A, Article 28C paragraph (1) and paragraph (2), Article 28I paragraph (4) of the 1945 Constitution of the Republic of Indonesia.
Verdict	:	1. To grant the Petitioners' petition in part; 2. To declare that Article 55 paragraph (5) of Law Number 12 of 2012 concerning Higher Education (State Gazette of the Republic of Indonesia of 2012 Number 158, Supplement to the State Gazette of the Republic of Indonesia Number 5336) is conditionally unconstitutional and does not have binding legal force if it is not interpreted as "Study Program Accreditation as a form of public accountability is carried out by an independent accreditation institution which, in the process of establishing the said independent accreditation institution, is carried out in accordance with the needs and readiness of the scientific cluster and/or branch of science of each study program after obtaining agreement or joint approval from the Cooperation Body (Badan Kerja Sama or BKS) of each study program;" 3. To order this decision to be published in the State Gazette of the Republic of Indonesia as appropriate; 4. To dismiss the remainder of the Petitioners' petition.

Date of Decision : Monday, 19 January 2026
Overview of Decision :

The Petitioners consist of private legal entities (Petitioner I and Petitioner II), namely a collaborative forum of law faculties of state universities and the organizing body of private universities that directly administers higher education and academic programs, and individual Indonesian citizens who work as lecturers (Petitioner III to Petitioner X) and law faculty students (Petitioner XI, Petitioner XII, and Petitioner XIII), they claim that their constitutional rights guaranteed under Article 27 paragraph (2), Article 28C paragraph (1), Article 28D paragraph (1), and Article 31 paragraph (3) of the 1945 Constitution of the Republic of Indonesia have been violated by the enactment of Article 60 paragraph (2) of Law 20/2003 and Article 55 paragraphs (5), (6), (7), and (8) of Law 12/2012.

Whereas with respect to the Court's authority, because the Petitioners petition for a review of the constitutionality of statutory norms, *in casu* Material Review of Article 60 paragraph (2) of Law 20/2003 and Article 55 paragraphs (5), (6), (7), and (8) of Law 12/2012 against the 1945 Constitution, the Court has the authority to hear the petition *a quo.*

With regard to legal standing, the Court considers that Petitioner I to Petitioner XIII have demonstrated the existence of a causal relationship (*causal verband*) between the alleged violation of their constitutional rights and the enactment of Article 60 paragraph (2) of Law 20/2003 and Article 55 paragraphs (5), (6), (7), and (8) of Law 12/2012. Therefore, if the petition of Petitioner I to Petitioner XIII is granted by the Court, the alleged loss of constitutional rights as described will no longer or will not occur. Accordingly, regardless of whether or not the unconstitutionality of the norm being petitioned for review is proven, the Court is of the opinion that Petitioner I to Petitioner XIII (hereinafter referred to as the Petitioners) have the legal standing to act as petitioners in the petition *a quo*.

Whereas the principal issue raised by the Petitioners is whether the norms of Article 60 paragraph (2) of Law 20/2003 and Article 55 paragraphs (5), (6), (7), and (8) of Law 12/2012 are inconsistent with the Fourth Paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia, Article 27 paragraph (2), Article 28A, Article 28C paragraph (1) and paragraph (2), and Article 28I paragraph (4), unless those norms are interpreted in the manner requested in the Petitioners' *petitums*.

Whereas, in relation to the Petitioners' challenge to the constitutionality of the norms of Article 60 paragraph (2) of Law 20/2003, which forms part of the integrated regulatory framework on accreditation set out in Article 60 of Law 20/2003, the Court considers it necessary to emphasize that, although the 1945 Constitution of the Republic of Indonesia places the Government as the party primarily responsible for managing and administering the national education system, it does not require the Government to organize education exclusively without community participation. Within this framework, the lawmakers have the constitutional authority to design a national education system that is collaborative in nature by providing opportunities for community participation, including in the supervision and quality assurance of education. The principle of community participation is expressly provided for in Law 20/2003, including in Article 4 paragraph (6), which emphasizes that education shall be organized by empowering all components of society through their participation in the provision and quality control of educational services. The norm of Article 60 paragraph (2) of Law 20/2003 actually reflects a form of public accountability in the provision of quality education. Therefore, the norm *a quo* cannot be regarded as hampering the State's efforts to educate the nation, nor can it be considered to deprive individuals of their right to earn a decent livelihood, to maintain their lives and livelihoods, or to hinder their self-development and advancement through quality education whose quality is guaranteed by the Government. This is because community participation does not automatically replace the role of the Government, rather, it constitutes a form of

collaborative participation that requires the active involvement of various stakeholders, including the Government and the community through authorized independent institutions, in jointly bearing the responsibility for ensuring the quality of education. If the norm of Article 60 paragraph (2) of Law 20/2003 were interpreted in the manner requested by the Petitioners in their *petitums*, namely that the accreditation of educational programs and educational institutions should be carried out solely by the Government, such an interpretation would in fact narrow the framework for the provision of education by excluding opportunities for community participation, particularly in ensuring the quality of education through the accreditation mechanism.

Whereas, furthermore, with respect to Article 55 paragraphs (6), (7), and (8) of Law 12/2012, which regulate the establishment of an independent accreditation institution, the Court considers that accreditation is one of the key mechanisms serving as a measure of the public accountability of higher education, it also functions as a means by which the Government protects the public from the provision of substandard higher education services and promotes the achievement of the constitutional objective of educating the nation. Therefore, accreditation constitutes one of the policy choices adopted in both Law 20/2003 and Law 12/2012. The existence of BAN-PT (the National Accreditation Board for Higher Education) and LAM (the Independent Accreditation Institution) within the accreditation system does not create any dualism in efforts to ensure the quality of study programs, because each institution seeks to guarantee the quality of education based on the accreditation criteria and instruments within its respective authority, and both maintain a complementary relationship in accordance with the scope of their respective duties and powers. Accordingly, eliminating LAM and assigning its functions to BAN-PT, as petitioned by the Petitioners solely on the ground of the increasing costs of accreditation, would have the potential to weaken the accountability and independence of the accreditation system. Moreover, with regard to funding, as a form of State support to ensure that all newly established study programs are able to commence educational activities in accordance with the quality standards set out in SN-DIKTI (National Standards for Higher Education), the Government fully bears the accreditation costs for new study programs in obtaining temporary accreditation status, as well as the costs of re-accreditation for study programs holding temporary accreditation status. Meanwhile, in order to obtain a superior accreditation status for study programs that satisfy the standards established by the LAM, universities must bear the accreditation costs independently, as such accreditation is not mandatory for study programs but is optional. However, in this regard, the Court considers it necessary to emphasize that the accreditation process for obtaining accreditation based on the LAM standards must not impose costs that place an undue burden on study programs or lead to the commercialization. Within the limits of reasonable reasoning, financing that imposes an excessive burden on study programs constitutes a clear violation of the principles governing the administration of education as set out in Article 4 of Law 20/2003. In relation to the concern that excessive accreditation fees may be imposed, the ministry responsible for higher education must establish the maximum fees that may be charged to study programs participating in the LAM accreditation process, provided that such fees do not impose an undue burden on the study programs.

Regarding the time period set out in Article 103 paragraph (2) of *Permendikbudristek* (Regulation of the Minister of Education, Culture, Research, and Technology) 53/2023, which essentially stipulates that BAN-PT and LAM must prepare and determine accreditation instruments and procedures in accordance with the ministerial regulation no later than 2 (two) years from the date this ministerial regulation comes into force, this provision, as a matter of law, does not regulate the time limit for the establishment of LAM for scientific clusters whose study programs do not yet have an LAM. However, although the Transitional Provisions section of Article 95 of Law 12/2012 *a quo* provides that accreditation shall be conducted by BAN-PT pending the establishment of LAM, the Petitioners remain concerned that the implementation of the norm set out in Article 55

paragraph (5) of Law 12/2012 will give rise to issues regarding the continuity of study program accreditation as a form of public accountability carried out by LAM. Moreover, Article 55 paragraph (8) of Law 12/2012 mandates that the implementation of study program accreditation by LAM be further regulated in a ministerial regulation. Therefore, in order to ensure the sustainable provision of quality education, it is important for the Court, in the decision *a quo*, to give its interpretation to the norm of Article 55 paragraph (5) of Law 12/2012 in its verdict *a quo* to mean that study program accreditation, as a form of public accountability, is carried out by LAM in accordance with the needs and readiness of the scientific clusters and/or branches of science of each study program, such that it is not subject to any time limit, given that Article 55 paragraph (5) of Law 12/2012 does not, in fact, prescribe any time limit for the establishment of the relevant LAM. Furthermore, the establishment of an LAM for study programs that do not yet have an LAM may only be carried out after obtaining the agreement or joint approval of the Cooperation Body (Badan Kerja Sama or BKS) for each study program. Therefore, the Petitioners' argument challenging the constitutionality of the norm of Article 55 paragraph (5) of Law 12/2012 is legally justifiable, accordingly, the norm of Article 55 paragraph (5) of Law 12/2012 must be declared conditionally unconstitutional and unconstitutional unless it is interpreted as "Study Program Accreditation, as a form of public accountability, shall be carried out by an independent accreditation institution, the establishment of which shall be undertaken in accordance with the needs and readiness of the scientific cluster and/or branch of science of each study program after obtaining the agreement or joint approval of the Cooperation Body (Badan Kerja Sama or BKS) of each study program." However, since the Court's interpretation is not the same as the one stated in the petition of the Petitioners, the Petitioners' argument is legally justifiable in part.

Whereas, furthermore, with respect to the Petitioners' arguments challenging the constitutionality of the norms of Article 55 paragraphs (6) and (7) of Law 12/2012, which govern the establishment of an independent accreditation institution, as well as Article 55 paragraph (8) of Law 12/2012, which provides for further implementing provisions, one of which concerning an independent accreditation institution, the Court is of the opinion that the norms of the articles *a quo* are inseparable from the norm of Article 55 paragraph (5) of Law 12/2012, which is the subject of the present judicial review, automatically, the validity of Article 55 paragraphs (6), (7), and (8) of Law 12/2012 must necessarily be adjusted to conform with the Decision *a quo*, therefore, the Petitioners' arguments concerning the review of the norms of Article 55 paragraphs (6), (7), and (8) of Law 12/2012 are no longer relevant for further consideration. However, considering that the study program accreditation mechanism carried out by LAM is also necessary to ensure the quality of study programs, in line with the mandate of Article 31 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, it is important for the Court to emphasize, with respect to the implementation of study program accreditation by LAM, the following: 1) The assessor recruitment process must take into account the credibility, competence, and qualifications of assessors in the relevant scientific field to ensure that they are able to assess all aspects of a study program objectively and professionally, without any conflict of interest with the party whose compliance is being assessed; 2) The ministry responsible for higher education affairs must ensure that assessors uphold quality, integrity, and professionalism in carrying out study program accreditation so as to avoid problems in both the accreditation process and its outcomes; 3) The ministry responsible for higher education affairs must ensure that no inappropriate or over services are provided by the study program to the assessors, or vice versa, that could influence the objectivity of the accreditation results, while also ensuring the efficiency of the accreditation process; 4) The ministry responsible for higher education affairs must conduct comprehensive supervision, including by providing preventive and repressive mechanisms to mitigate the risk of abuse in the accreditation process, including through strict oversight of any potential commercialization of the accreditation process; and; 5) The ministry responsible for higher education affairs must provide standardized assessment instruments and implement

uniform evaluation standards, including by prescribing fees that do not impose an undue burden on study programs, so that clear and proportionate standards are established as a reference for all LAM and study programs in the accreditation process.

Whereas, pursuant to all the legal considerations set out above, the Court is of the opinion that Article 60 paragraph (2) of Law 20/2003 and Article 55 paragraphs (6), (7), and (8) of Law 12/2012 have not been proven to be contrary to Article 27 paragraph (2), Article 28A, Article 28C paragraphs (1) and (2), Article 28I paragraph (4), and Article 31 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, not as argued by the Petitioners, accordingly, the Petitioners' arguments are legally unjustifiable. Meanwhile, with respect to the norm of Article 55 paragraph (5) of Law 12/2012, the Court finds that it has given rise to uncertainty regarding the continuity of the quality of education as guaranteed under Article 28C paragraph (1) of the 1945 Constitution of the Republic of Indonesia, albeit not for the reasons argued by the Petitioners, accordingly, the Petitioners' arguments are legally justifiable in part.

Accordingly, the Court subsequently passed down a decision, the verdict of which states:

1. To grant the Petitioners' petition in part;
2. To declare that Article 55 paragraph (5) of Law Number 12 of 2012 concerning Higher Education (State Gazette of the Republic of Indonesia of 2012 Number 158, Supplement to the State Gazette of the Republic of Indonesia Number 5336) is conditionally unconstitutional and does not have binding legal force if it is not interpreted as "Study Program Accreditation as a form of public accountability is carried out by an independent accreditation institution which, in the process of establishing the said independent accreditation institution, is carried out in accordance with the needs and readiness of the scientific cluster and/or branch of science of each study program after obtaining agreement or joint approval from the Cooperation Body (Badan Kerja Sama or BKS) of each study program;"
3. To order this decision to be published in the State Gazette of the Republic of Indonesia as appropriate;
4. To dismiss the remainder of the Petitioners' petition.