



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 111/PUU-XXII/2024**

Concerning

**Constitutionality of the Collegium and Professional Ethics
under the Health Law**

Petitioner	: Djohansjah Marzoeki
Type of Case	: Judicial review of Law Number 17 of 2023 concerning health (Law 17/2023) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	: Constitutional review of the phrase “and is a complementary body of the Council” in Article 1 point 26; the phrase “is a complementary body of the Council and” in Article 272 paragraph (2) and paragraph (5); the phrase “as well as professional ethics and discipline” in Article 421 paragraph (2) letter b; and Article 451 of Law 17/2023 against the 1945 Constitution of the Republic of Indonesia
Verdict	: 1. To grant the Petitioner’s petition in part; 2. To declare that the phrase “and is a complementary body of the Council” in Article 1 point 26 of Law Number 17 of 2023 concerning Health (State Gazette of the Republic of Indonesia of 2023 Number 105, Supplement to the State Gazette of the Republic of Indonesia Number 6887) is conditionally contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as “and constitute an element of the Council’s membership,” so that Article 1 point 26 of Law Number 17 of 2023 concerning Health (State Gazette of the Republic of Indonesia of 2023 Number 105, Supplement to the State Gazette of the Republic of Indonesia Number 6887) reads in full “The Collegium is a group of experts from each Health discipline who handle the respective branches of the discipline, carry out their duties and functions independently, and constitute an element of the Council’s membership;” 3. To declare that the phrase “is a complementary body of the Council and” in Article 272 paragraph (2) of Law Number 17

of 2023 concerning Health (State Gazette of the Republic of Indonesia of 2023 Number 105, Supplement to the State Gazette of the Republic of Indonesia Number 6887) is conditionally contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as “is an element of the Council’s membership and,” so that Article 272 paragraph (2) of Law Number 17 of 2023 concerning Health (State Gazette of the Republic of Indonesia 2023 Number 105, Supplement to the State Gazette of the Republic of Indonesia Number 6887) reads in full, “The Collegium as referred to in paragraph (1) is an element of the Council’s membership and is independent in carrying out its role;”

4. To declare that Article 272 paragraph (5) of Law Number 17 of 2023 concerning Health (State Gazette of the Republic of Indonesia of 2023 Number 105, Supplement to the State Gazette of the Republic of Indonesia Number 6887) is conditionally contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, “Further provisions regarding the Collegium, including its duties, functions, and authority, are regulated by Government Regulation, the validity of which is subject to the Decision *a quo* and which continues to guarantee the independence of the Collegium;”
5. To declare that the phrase “as well as professional ethics and discipline” in Article 421 paragraph (2) letter b of Law Number 17 of 2023 concerning Health (State Gazette of the Republic of Indonesia of 2023 Number 105, Supplement to the State Gazette of the Republic of Indonesia Number 6887) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force;
6. To declare that Article 421 paragraph (3) of Law Number 17 of 2023 concerning Health (State Gazette of the Republic of Indonesia of 2023 Number 105, Supplement to the State Gazette of the Republic of Indonesia Number 6887) is conditionally contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if the word “community” is not interpreted as “including the collegium, professional disciplinary councils, government representatives, relevant community organizations, academics, and/or experts,” so that Article 421 paragraph (3) of Law Number 17 of 2023 concerning Health (State Gazette of the Republic of Indonesia of 2023 Number 105, Supplement to the State Gazette of the Republic of Indonesia Number 6887) reads in full, “Supervision as referred to in paragraph (1) may involve the community, including the collegium, professional disciplinary councils, government representatives, relevant community organizations, academics, and/or experts;”

7. To order this decision to be published in the State Gazette of the Republic of Indonesia as appropriate;
8. To dismiss the remainder of the Petitioner's petition.

Date of Decision : Friday, January 30, 2026

Overview of Decision :

Whereas the Petitioner is an Indonesian citizen who is also a professor emeritus of medical sciences, a specialist in surgery and a specialist in plastic surgery at Universitas Airlangga, as well as a pioneer and innovator of plastic surgery in Indonesia, who believes that his rights are violated by the enactment of the norms of the articles *a quo*, namely the phrase "and is a complementary body of the Council" in Article 1 point 26, the phrase "is a complementary body of the Council and" in Article 272 paragraph (2) and paragraph (5), the phrase "as well as professional ethics and discipline" in Article 421 paragraph (2) letter b, and Article 451 of Law 17/2023.

With respect to the Court's authority, since the Petitioner petitions for a review of the constitutionality of a law, *in casu* the phrase "and is a complementary body of the Council" in Article 1 point 26, the phrase "is a complementary body of the Council and" in Article 272 paragraph (2) and paragraph (5), the phrase "as well as professional ethics and discipline" in Article 421 paragraph (2) letter b, and Article 451 of Law 17/2023 against the 1945 Constitution of the Republic of Indonesia, the Court has the authority to hear the petition *a quo*.

With respect to the legal standing of the Petitioner, the Petitioner is an Indonesian citizen who also works as a doctor and is a professor emeritus of medical sciences, a specialist in surgery and a specialist in plastic surgery at Universitas Airlangga, as well as a pioneer and innovator of plastic surgery in Indonesia, who believes that his constitutional rights have been violated by the enactment of the phrase "and is a complementary body of the Council" in Article 1 point 26, the phrase "is a complementary body of the Council and" in Article 272 paragraph (2) and paragraph (5), the phrase "as well as professional ethics and discipline" in Article 421 paragraph (2) letter b, and Article 451 of Law 17/2023. According to the Petitioner, the norms of the articles *a quo* has violated his constitutional rights, namely the right to develop himself, to obtain education, and to benefit from science and technology, to obtain benefits from science to improve the quality of life and the welfare of humanity, to obtain recognition, guarantees, protection, and fair legal certainty and equal treatment before the law, to obtain a good and healthy environment, and the right to obtain health services. Whereas, because the Petitioner has been able to explain the constitutional rights that he considers to have been violated, namely the right to develop himself, to obtain education, and to benefit from science and technology, to benefit from science to improve the quality of his life and the welfare of humanity, to obtain recognition, guarantees, protection, and fair legal certainty and equal treatment before the law, to obtain a good and healthy environment, and the right to obtain health services, and has experienced such violation as a result of the enactment of the phrase "and is a complementary body of the Council" in Article 1 point 26, the phrase "is a complementary body of the Council and" in Article 272 paragraph (2) and paragraph (5), the phrase "as well as professional ethics and discipline" in Article 421 paragraph (2) letter b, and Article 451 of Law 17/2023, which are being petitioned for review. Description of the alleged constitutional loss of the Petitioner is specific and actual or at least potential in nature, which, within the limits of reasonable reasoning, can be ascertained to occur, and it has a causal relationship (*causal verband*) with the enactment of the statutory norms for

which the judicial review is being petitioned. Therefore, if the petition *a quo* is granted the alleged constitutional loss will no longer occur or will not occur. Therefore, regardless of whether or not the unconstitutionality of the norm being petitioned for review is proven, the Court is of the opinion that the Petitioner has the legal standing to act as a Petitioner in the petition *a quo*.

Meanwhile regarding the subject matter of the Petitioner's petition, the Court in its legal consideration states the following:

After carefully examining all the norms relating to the collegium in question, the Court finds that the provision regarding independence in Article 1 point 26 of Law 17/2023 is stated in relation to the performance of the duties and functions of the collegium. However, in Article 272 paragraph (2) of the Law *a quo*, independence is stated in relation to the performance of the role of the collegium. Such provisions demonstrate a lack of synchronicity, which results in a lack of clarity regarding the meaning of the independent status of the collegium. This is because Law 17/2023 only regulates the role of the collegium, namely: 1) developing competency standards for medical and health personnel; and 2) developing training curriculum standards for medical and health personnel. Meanwhile, the duties, functions, and authority of the collegium are not regulated in the Law *a quo* but are further regulated by government regulations. In this regard, the word or term "role" used in Article 272 of the Law *a quo* differs from the provisions previously regulated under Law 29/2004 and Law 36/2014, which emphasized that the collegium for medical personnel has the task of developing professional education standards for specialist doctors and professional education standards for specialist dentists, in coordination with professional organizations, associations of medical or dental education institutions, associations of teaching hospitals, the Ministry of National Education, and the Ministry of Health, which are subsequently ratified by the Indonesian Medical Council (*Konsil Kedokteran Indonesia*) [*vide* Article 7 paragraph (1) letter b in conjunction with Article 26 paragraph (4) of Law 29/2004]. Meanwhile, with regard to health workers, the collegium has the task of developing branches of scientific disciplines and standards for health worker education and is accountable to professional organizations. The provisions of Law 29/2004 and Law 36/2014 affirm the collegium as an autonomous or independent institution, with the provisions regarding the duties, functions, and authority of the collegium comprehensively regulated in both laws. By comprehensively regulating these matters in law, further provisions in implementing regulations are intended only to regulate technical matters.

In relation to these duties and functions, Article 1 point 26 of Law 17/2023 expressly states that the collegium performs its duties and functions independently. The problem is that these duties and functions are not regulated in law, as they were under Law 29/2004 and Law 36/2014, but are instead regulated by government regulations. Referring to the 1945 Constitution of the Republic of Indonesia, it is expressly stipulated that government regulations are issued by the President to properly implement laws. This means that, as implementing regulations, government regulations must not conflict, either directly or indirectly, with the law mandating their issuance. In this regard, Article 707 paragraph (1) of Government Regulation 28/2024, concerning the duties and functions of an independent collegium, states, "In carrying out its duties, functions, and authority, the Collegium must coordinate with the Minister in order to ensure compliance with the policies stipulated by the Minister." Furthermore, Article 707 paragraph (2) of Government Regulation 28/2024 states, "In the event that the performance of such duties, functions, and authority is not in accordance with the policies stipulated by the Minister, the Minister may make adjustments to the performance of such duties, functions, and authority." If viewed in the context

of the collegium's position as an independent institution, in performing its duties and functions and carrying out its role as referred to in Article 272 paragraph (2) of Law 17/2023, the guarantee of the collegium's independence becomes unclear or vague due to the phrase "not in accordance with the policies stipulated by the Minister" and the phrase "the Minister may make adjustments to the performance of duties, functions, and authority." In fact, it is important to ensure the independence of the collegium because medical and health personnel are independent professions whose considerations and decisions are based, among other things, on the interests of patients and public health. In this regard, if the medical considerations or decisions made by medical and health personnel are influenced by other considerations, including non-medical considerations related to their authority, this has the potential to constitute an ethical violation. Therefore, the existence of provisions that emphasize the independence of the collegium in performing its duties, functions, and authority, as regulated in Article 1 point 26 of Law 17/2023, including in carrying out the role of the collegium as regulated in Article 272 paragraph (2) of Law 17/2023, is fundamental and must be upheld as a foundation for guaranteeing the professionalism of medical and health personnel. The independence of medical and health personnel in making decisions is no different from the independence of a judge in deciding a petition or case. Both uphold conscience as an important instrument in decision-making. This means that medical and health personnel, with the scientific expertise they possess, have unique characteristics. This uniqueness is evident from the justification granted by law, namely the permissibility of performing medical procedures on the human body in an effort to maintain and improve the level of health.

Upon carefully considering the important role of the collegium in developing competency standards for medical and health personnel and developing training curriculum standards for medical and health personnel, which will ultimately serve as the primary benchmarks for the issuance of competency certificates by the collegium to medical and health personnel. This demonstrates recognition of the ability and readiness of medical and health personnel to perform medical procedures, which is granted only to those who have undergone various stages to become professional medical and health personnel. Therefore, making the collegium a truly independent institution, free from intervention by other institutions, is a necessity. With respect to the above issue, regarding the placement of the collegium, which "is a complementary body of the Council," as regulated in Article 1 point 26 and Article 272 paragraph (2) of Law 17/2023, it is important for the Court to emphasize that the Council in question is an institution that independently performs its duties in order to improve the quality of practice and technical competence of medical and health personnel and to provide protection and legal certainty to the public [*vide* Article 1 point 25 of Law 17/2023]. Meanwhile, the council is declared to be an independent institution in performing its duties and is directly responsible to the President [*vide* Article 4 paragraph (2) of Law 29/2004]. Therefore, in order to maintain the independence of the collegium, it is not appropriate to place the collegium as a complementary body of the council because its position as a complementary body, within the limits of reasonable reasoning, indicates and, at the same time, justifies the collegium's position as a subordinate of the council. Moreover, the placement of the collegium as a complementary body of the council is inconsistent with Article 270 letter c of Law 17/2023, which stipulates that the collegium forms part of the membership elements of the council. In this regard, the Court needs to emphasize that, in performing its duties and functions, the collegium is responsible to the President, in the President's capacity as head of state, through the council.

In addition, with the enactment of Law 17/2023, many matters have been delegated through delegating provisions to implementing regulations, this may result in the degradation of the

independence in question and, consequently, have implications for the competency standards for medical and health personnel developed by the collegium, therefore such provisions provide an opportunity to strengthen the role of the government. This means that, on the one hand, there is an effort to reduce the highly dominant role of professional organizations, while, on the other hand, the delegation under Article 272 paragraph (5) of Law 17/2023 has the potential to give the government, *in casu* the Minister of Health, a significant role, which could threaten the independence of the collegium. This is because delegation to lower-level regulations should be intended to regulate technical matters.

Furthermore, regarding the Petitioner's argument questioning Article 272 paragraph (5) of Law 17/2023 on the ground that it is considered to threaten the independence of the collegium, thereby creating legal uncertainty, because further provisions regarding the duties, functions, and authority of the collegium are regulated by government regulations, and thus allegedly contradicting Article 28C paragraph (1), Article 28D paragraph (1), and Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, it is important for the Court to first emphasize that the issuance of government regulations pursuant to Article 5 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, as considered above, is intended to properly implement laws. In this regard, in relation to Article 272 paragraph (5) of Law 17/2023, the content of government regulations must contain material necessary to properly implement the law [*vide* Article 12 of Law Number 12 of 2011 concerning the Formation of Laws and Regulations, as last amended by Law Number 13 of 2022 (Law 12/2011)]. This means that the actual purpose of properly implementing the law is to issue government regulations to carry out the mandates of a law or to implement the law to the extent necessary, without deviating from the matters regulated in the said law [*vide* Elucidation of Article 12 of Law 12/2011]. Therefore, in order to guarantee fair legal certainty, the Court is of the opinion that Article 272 paragraph (5) of Law 17/2023, which states, "Further provisions regarding the Collegium, including its duties, functions, and authority, are regulated by Government Regulation," is contrary to Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia insofar as the content or substance of the government regulation in question does not guarantee the independence of the collegium in performing its duties, functions, and authority and in carrying out its role, as stated in the Decision *a quo*. Likewise, with regard to the norms of Article 1 point 26 and Article 272 paragraph (2) of Law 17/2023, which regulate the collegium as a complementary body of the Council, while further provisions regarding its duties, functions, and authority are regulated by government regulations, the Court is of the opinion that this has the potential to create legal uncertainty that may undermine the independence of the collegium and, ultimately, is not in line with efforts to realize the right to obtain health services as referred to in Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia. Therefore, according to the Court, the collegium must be placed as an element or part of the council, which is an independent institution, in performing its duties, functions, and authority and in carrying out its role, as fully stated in the decision *a quo*. Thus, the Petitioner's argument that the phrase "and is a complementary body of the Council" in Article 1 point 26 of Law 17/2023 is contrary to the 1945 Constitution of the Republic of Indonesia is legally justifiable. Consequently, the Petitioner's argument that the phrase "and is a complementary body of the council" in Article 272 paragraph (2) of Law 17/2023 is contrary to the 1945 Constitution of the Republic of Indonesia is also legally justifiable. Accordingly, all provisions of Law 17/2023 relating to the independence of the collegium, including provisions delegated under Law 17/2023, must, in order to maintain the independence of the collegium, comply with the decision *a quo*. Therefore, the norms of Article 1 point 26, Article 272 paragraph (2), and Article 272 paragraph

(5) of Law 17/2023 must be interpreted as stated in the decision *a quo*. Pursuant to the legal considerations described above, the Petitioner's argument questioning the constitutionality of the norms of Article 1 point 26, Article 272 paragraph (2), and Article 272 paragraph (5) of Law 17/2023 is legally justifiable.

Whereas the Petitioner's argument with respect to Article 421 paragraph (2) letter b of Law 17/2023, questioning the authority of the central government and regional governments, as executive bodies, to supervise the professional ethics and discipline of medical and health personnel. In this regard, the appropriate supervisory mechanism concerning compliance with professional ethics is carried out by professional peer groups, while, with regard to professional discipline, particularly for medical personnel, there is a professional disciplinary council. Therefore, the Petitioner requests that compliance with professional ethics and discipline not fall within the scope of supervision carried out by the central government and regional governments. In this regard, it is important for the Court to emphasize that compliance with professional ethics and discipline, within the scope of the supervision of every health service, cannot, in principle, be separated from the obligation of every medical and health personnel, in providing health services, to comply with all established standards, namely professional standards, service standards, and standard operating procedures. Professional standards are developed by the Council and the collegium, while service standards are regulated by ministerial regulations, and standard operating procedures are established by the head of the health service facility. In this regard, the supervision referred to in Article 421 of Law 17/2023 is a preventive measure intended to prevent non-compliance by medical and health personnel with ethical standards and professional discipline. Therefore, the supervision carried out by the central government and regional governments under Article 421 paragraph (1) of Law 17/2023 applies to every health service, which means that it includes the supervision of health efforts, health resources, and health management. The scope of supervision as referred to in Article 421 paragraph (2) of Law 17/2023 is, in fact, a description of the supervision of each aspect of health administration as regulated in Article 17 paragraph (1) of Law 17/2023. In this regard, the ethical standards and professional standards, compliance with which by medical and health personnel is supervised, are developed by the council and/or the collegium, rather than by the central government and/or regional governments. Therefore, insofar as the supervision of professional ethics and discipline is concerned, as it relates to the professions of medical and health personnel, such supervision is not carried out by the central government or regional governments but by a special organ established by the Indonesian Health Council, the establishment of which involves the collegium, the professional disciplinary council, government representatives, relevant community organizations, academics, and/or experts. This affirmation is in line with one of the roles of the Council, namely providing technical professional development for medical and health personnel. The affirmation regarding the elements involved in the establishment of a special organ, insofar as it relates to the supervision of professional ethics and discipline as referred to in Article 421 paragraph (2) letter b of Law 17/2023, legally also affects Article 421 paragraph (3) of Law 17/2023. Accordingly, Article 421 paragraph (3) of Law 17/2023 must be interpreted as stated in the decision *a quo*. Pursuant to the legal considerations described above, the Petitioner's argument questioning the constitutionality of the phrase "as well as professional ethics and discipline" in Article 421 paragraph (2) letter b of Law 17/2023 on the ground that it is contrary to Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia is legally justifiable.

Pursuant to all the legal considerations described above, the Court is of the opinion that the phrase "and is a complementary body of the Council" in Article 1 point 26, the phrase "is a

complementary body of the Council and” in Article 272 paragraph (2), Article 272 paragraph (5), and the phrase “as well as professional ethics and discipline” in Article 421 paragraph (2) letter b of Law 17/2023 have been proven not to guarantee the right to benefit from science, the right to fair legal certainty, and the right to obtain health services, as regulated in Article 28C paragraph (1), Article 28D paragraph (1), and Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, as argued by the Petitioner. However, since the interpretation of the Court is not the same as the one stated in the petition of the Petitioner, the Petitioner’s argument is legally justifiable in part.

Meanwhile, with regard to Article 451 of Law 17/2023, it has been shown to guarantee the right to benefit from science, the right to fair legal certainty, and the right to obtain health services, as regulated in Article 28C paragraph (1), Article 28D paragraph (1), and Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, contrary to the Petitioner’s argument. Therefore, the Petitioner’s argument regarding Article 451 of Law 17/2023 is legally unjustifiable.

Accordingly, the Court passed down a decision which verdicts are as follows:

1. To grant the Petitioner’s petition in part;
2. To declare that the phrase “and is a complementary body of the Council” in Article 1 point 26 of Law Number 17 of 2023 concerning Health (State Gazette of the Republic of Indonesia of 2023 Number 105, Supplement to the State Gazette of the Republic of Indonesia Number 6887) is conditionally contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as “and constitute an element of the Council’s membership,” so that Article 1 point 26 of Law Number 17 of 2023 concerning Health (State Gazette of the Republic of Indonesia of 2023 Number 105, Supplement to the State Gazette of the Republic of Indonesia Number 6887) reads in full “The Collegium is a group of experts from each Health discipline who handle the respective branches of the discipline, carry out their duties and functions independently, and constitute an element of the Council’s membership;”
3. To declare that the phrase “is a complementary body of the Council and” in Article 272 paragraph (2) of Law Number 17 of 2023 concerning Health (State Gazette of the Republic of Indonesia of 2023 Number 105, Supplement to the State Gazette of the Republic of Indonesia Number 6887) is conditionally contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as “is an element of the Council’s membership and,” so that Article 272 paragraph (2) of Law Number 17 of 2023 concerning Health (State Gazette of the Republic of Indonesia 2023 Number 105, Supplement to the State Gazette of the Republic of Indonesia Number 6887) reads in full, “The Collegium as referred to in paragraph (1) is an element of the Council’s membership and is independent in carrying out its role;”
4. To declare that Article 272 paragraph (5) of Law Number 17 of 2023 concerning Health (State Gazette of the Republic of Indonesia of 2023 Number 105, Supplement to the State Gazette of the Republic of Indonesia Number 6887) is conditionally contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, “Further provisions regarding the Collegium, including its duties, functions, and authority, are regulated by Government Regulation, the validity of which is subject to the Decision *a quo* and which continues to guarantee the independence of the Collegium;”

5. To declare that the phrase “as well as professional ethics and discipline” in Article 421 paragraph (2) letter b of Law Number 17 of 2023 concerning Health (State Gazette of the Republic of Indonesia of 2023 Number 105, Supplement to the State Gazette of the Republic of Indonesia Number 6887) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force;
6. To declare that Article 421 paragraph (3) of Law Number 17 of 2023 concerning Health (State Gazette of the Republic of Indonesia of 2023 Number 105, Supplement to the State Gazette of the Republic of Indonesia Number 6887) is conditionally contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if the word “community” is not interpreted as, “including the collegium, professional disciplinary councils, government representatives, relevant community organizations, academics, and/or experts,” so that Article 421 paragraph (3) of Law Number 17 of 2023 concerning Health (State Gazette of the Republic of Indonesia of 2023 Number 105, Supplement to the State Gazette of the Republic of Indonesia Number 6887) reads in full, “Supervision as referred to in paragraph (1) may involve the community, including the collegium, professional disciplinary councils, government representatives, relevant community organizations, academics, and/or experts;”
7. To order this decision to be published in the State Gazette of the Republic of Indonesia as appropriate;
8. To dismiss the remainder of the Petitioner’s petition.

Dissenting Opinion

Whereas with respect to the decision *a quo* of the Constitutional Court, 3 (three) constitutional justices have a dissenting opinion; they are Constitutional Justice Anwar Usman, Constitutional Justice Daniel Yusmic P. Foekh, and Constitutional Justice M. Guntur Hamzah. They state as follows:

Whereas, pursuant to all the legal considerations described above, in our opinion, the review of Article 272 paragraph (1) of Law 17/2023 in the case concerns the independence of the collegium, the Petitioner’s argument is also legally unjustifiable, therefore, the Court should have rejected the petition *a quo* (*wordt ongegrond verklaard*).