



THE CONSTITUTIONAL COURT

REPUBLIC OF INDONESIA

SUMMARY OF DECISION

CASE NUMBER 23/PUU-XVIII/2020

Concerning

Missing Objects in the Case of Testing Government Regulations in Lieu of Law of the Republic of Indonesia Number 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling Pandemic Corona Virus Disease 2019 (Covid-19) and / or in the Context of Facing Threats Endanger the National Economy and / Or Financial System Stability

Petitioner : **M Sirajuddin Syamsuddin, dkk.**

Case : Review of Government Regulations in Lieu of Law of the Republic of Indonesia Number 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling Pandemic Corona Virus Disease 2019 (Covid-19) and / or in the Context of Facing Threats Endanger the National Economy and / or Financial System Stability (Perpu 1/2020)

against the 1945 Constitution of the Republic of Indonesia (UUD 1945).

Case of Lawsuit : Article 2 paragraph (1) letter a number 1, number 2, and number 3; Article 27; and Article 28 of Perpu 1/2020 raises a distinction in treatment before the law in the form of granting immunity rights, which is detrimental to the Petitioners and therefore contrary to the 1945 Constitution.

Injunction : Stating that the Petitioners' petition cannot be accepted.

Date of Desicion : Tuesday, June 23, 2020.

Decision Overview :

Petitioners who submit a request for review of Article 2 paragraph (1) letter a number 1, number 2, and number 3; Article 27; and Article 28 of this Perpu 1/2020 comprises twenty-four Indonesian citizens, namely M. Sirajuddin Syamsuddin, et al., who gave power to advocates and legal consultants named Syaiful Bakhri, et al.

With regard to the authority to examine, in essence the Court is of the opinion that the Perpu has the same force or binding power as the law. The similarity in binding power between the Perpu and the law is the reason for the Court to declare its authority to examine the constitutionality of the Perpu as proposed by the Petitioners.

The Petitioners submitted their petition arguing that they were both Indonesian citizens and taxpayers. According to the Court, the Petitioners' position can be used as an excuse for the Petitioners to submit their petition for reviewing the Perpu a quo. On the basis of such legal reasons, the Court considered the Petitioners to have the legal position to submit the a quo petition except for Petitioner XVIII because the Petitioners did not sign the power of attorney.

The petition submitted by the Petitioners basically states that granting

immunity to several parties in relation to state financial policies and financial system stability in handling the Covid-19 pandemic is a form of different treatment before the law. According to the Petitioners, this resulted in Article 2 paragraph (1) letter a number 1, number 2, and number 3; Article 27; and Article 28 of Perpu 1/2020 contradicts the 1945 Constitution.

During the trial process at the Constitutional Court, Perpu 1/2020 was discussed by the DPR and received approval to become law, and then passed by the President on May 16, 2020. Subsequently, it was promulgated by the Minister of Law and Human Rights on May 18, 2020 into Law Number 2 of 2020 concerning Stipulation of Government Regulation in Lieu of Law Number 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling Pandemic Corona Virus Disease 2019 (Covid-19) and / or in the Context of Facing Threats That Endanger the Economy National and / or Financial System Stability into Law (Law 2/2020).

According to the Court, with the enactment of Law 2/2020, Perpu 1/2020 no longer exists legally. This resulted in the Petitioners' petition regarding the constitutionality review of Perpu 1/2020 having lost its object. Based on this, the Court issued a verdict stating that the Petitioners' petition could not be accepted.