



CONSTITUTIONAL COURT

REPUBLIC OF INDONESIA

SUMMARY OF DECISION

CASE NUMBER 34/PUU-XVIII/2020

Concerning

The word "people" means poor people

- Petitioner** : **Runik Erwanto dan Singgih Tomi Gumilang**
- Case** : Review of Law Number 6 of 2018 concerning Health Quarantine (Law 6/2018) against the 1945 Constitution of the Republic of Indonesia (UUD 1945).
- Case of Lawsuit** : Article 55 paragraph (1) of Law 6/2018 as long as the word "person" contradicts Article 28D paragraph (1) and Article 34 paragraph (1) of the 1945 Constitution.
- Injunction** : Stating that the Petitioners' petition cannot be accepted.
- Date of Decision** : Wednesday, July 22, 2020
- Decision Overview** :

The Petitioners are individual Indonesian citizens, Petitioner I is a resident of Banjarbaru City, South Kalimantan who works as an advocate and Petitioner II is a citizen of Jakarta who works as an advocate.

Whereas before the Court considered further the authority of the Court, the Court affirmed a number of matters relating to the law petitioned for review by the Petitioners. Whereas the Petitioners are incorrect in writing the title of the proposed law, in the amendment of the petition, both in posita and written petitum Law Number 6 of 2018 is the Law on Health Quarantine while the correct mention is the Law on Health Quarantine .

Whereas in the preliminary examination hearing to examine the revision of the petition on Tuesday, June 30, 2020, the Panel of Judges asked the Petitioners to confirm the title of the law petitioned for review and the Petitioners were given the opportunity to correct it, but the Petitioners stated that the title of law The law used stated in the petition is correct and there is no correction to the title of the law. However, after the trial was over, through the Registrar's Office, the Petitioners asked to conduct a renvoi on the title of the law. The request was not granted because the Petitioners had been given the opportunity to improve in the trial but this opportunity was not used.

However, the Court believes that the law referred to by the Petitioners is the Law on Health Quarantine because the Petitioners have written the law number, state sheet number correctly in relation to Law Number 6 of 2018 concerning Health Quarantine, this is also strengthened with the evidence submitted. Based on the above considerations, according to the Court being tested by the Petitioners is Law Number 6 of 2018 concerning Health Quarantine, so that the Court has the authority to examine the a quo petition.

Regarding the legal position, that the Petitioners as individual Indonesian citizens and work as advocates who at the time this petition were submitted the domicile of the Petitioners were imposing Large-Scale Social Restrictions (hereinafter referred to as PSBB), the Petitioners stated that the application of PSBB was not effective to break the chain of Covid-19 The government should have the courage to impose a regional quarantine and the Petitioners think that the government is worried that if the regional quarantine applies, the central government has the obligation to bear the basic needs of all people as regulated in Article 55 paragraph (1) of Law 6/2018

According to the Court, based on the description above, the Petitioners could not describe their constitutional impairment by the enactment of the provisions of Article 55 paragraph 1) of Law 6/2018 as long as the word "person", other than that the Petitioners had no direct or indirect loss with the enactment of the norm a quo and there is also no causal relationship between the perceived constitutional loss and the enactment of the a quo norm. This is because those who should have a direct legal relationship with the enforcement of these norms are the people whose jurisdiction applies regional quarantine, while the area where the Petitioners live does not impose regional quarantine but rather the large-scale social restrictions (PSBB).

Whereas in the main petition the Petitioners state that due to the implementation of the PSBB, especially in DKI Jakarta, it has resulted in a ban on the use of air transportation, this has made the Petitioners feel their constitutional rights have been impaired because they cannot attend the trial at the West Jakarta District Court. However, the Petitioners did not describe the constitutional impairment of being an advocate in handling cases in the description of revision of the petition in the section on legal standing.

The Petitioners state that the Petitioners are taxpayers and therefore have a constitutional right to question every law, according to the Court, the Petitioners as taxpayers do not necessarily have a legal position in filing every application for judicial review. Whereas the Court in its development through its decisions has affirmed its stance that taxpayers can only be given a legal position to submit requests for judicial review at the Constitutional Court relating to state finances and constitutional losses must be specific so that they constitute actual losses or potential that has a clear connection with the enactment of this Law. And the Petitioners are unable to describe the specific and real reasons for the constitutional impairment of the validity of the norm petitioned for review.

Whereas based on all the descriptions of the considerations above, according to the Court, the Petitioners could not explain the constitutional losses, both actual and potential that were experienced by the Petitioners with the enactment of Article 55

paragraph (1) of Law 6/2018 as long as the word "person". Even if the Petitioners' description in their petition is deemed to be a description of constitutional impairment, quod non, the Petitioners will not suffer losses either directly or indirectly with the enactment of the a quo norm and there is also no cause-and-effect relationship between the alleged impairment of the Petitioners' constitutional rights. specifics with the enactment of the a quo norm. Thus, according to the Court, the Petitioners do not have the legal standing to file the a quo petition.

Based on the foregoing considerations, the Court subsequently issued a verdict stating that the Petitioners' petition was unacceptable.