



**CONSTITUTIONAL COURT**

**REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION**

**CASE NUMBER 52/PUU-XVIII/2020**

**Concerning**

**Membership of the Regional People's Representative Council (DPRD) as a**

**Human Right**

**Petitioner** : **Alamsyah Panggabean.**

**Case** : Examination of Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights (Law 39/1999) against the Constitution of the Republic of Indonesia of 1945 (UUD 1945).

**Case of Lawsuit** : The phrase "personally" in Article 15 of Law 39/1999 is considered detrimental to the Petitioner and contradicts Article 28C paragraph (2) of the 1945 Constitution because it does not mean "collectively".

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

**Date of Decision** : Monday, September 28, 2020.

**Decision Overview** :

The petitioner in the a quo case is Alamsyah Panggabean, who argues that he is an individual citizen, taxpayer, and works as an artist.

In relation to the authority to examine, the Court is of the opinion that trying the Petitioners' petition is the authority of the Court. This is because the Petitioners' petition is about testing the constitutionality of the phrase "personally" in Article 15 of Law 39/1999. However, after reading the Petitioners' petition documents and listening to the Petitioners' statements in two preliminary hearings, the Court did not obtain any clarity regarding the real intentions of the a quo petition.

In the Petitioner's petition document it is written that the legal norm petitioned for review is Article 15 of Law 39/1999. However, the initial part of the *posita* questioned the formation of Padang Lawas Regency which was based on Law Number 38 of 2007 concerning the Establishment of the Padang Lawas Regency in North Sumatra Province (Law 38/2007).

The Petitioner questioned the filling of members of the Padang Lawas Regency DPRD which was carried out through a stipulation because it was the first filling. However, the Petitioner did not explain which part of the mechanism for filling the Padang Lawas Regency DPRD membership was detrimental to the Petitioner's constitutional rights.

The Petitioner relates the provisions concerning the filling of the Padang Lawas Regency DPRD membership as stipulated in Law 38/2007 with Law 39/1999, especially the phrase "personally" in Article 15 of Law 39/1999. The Petitioner is of the opinion that the phrase "personally" in Article 15 of Law 39/1999 is contrary to the phrase "collectively" in Article 28C paragraph (2) of the 1945 Constitution, without further explaining the location of the contradiction.

Such ambiguity according to the Court resulted in the Petitioner's petition being blurred. Therefore, the Court in its verdict stated that the Petitioner's petition could not be accepted.