



CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA

**SUMMARY OF DECISION
FOR CASE NUMBER 12/PUU-XX/2022**

Concerning

**Identity/Description/Definition of Indonesian Identity in the Form
of Indonesian Language Definition in Law Number 24 of 2009**

- Petitioner** : Dr. H. Ludjiono
- Type of Case** : Examination of Law Number 24 of 2009 concerning the National Flag, Language and Symbol and National Anthem (UU 24/2009) against the 1945 Constitution of the Republic of Indonesia (UUD 1945)
- Subject Matter** : Article 25, Article 30, and Article 40 of Law 24/2009 are in contrary to Article 24D paragraph (1), Article 28G paragraph (1) and paragraph (2), and Article 28I paragraph (1) of the 1945 Constitution
- Verdict** : To declare that the Petitioner's petition is inadmissible.
- Date of Decision** : Tuesday, March 29, 2022
- Overview of Decision** :

The Petitioner is an individual Indonesian citizen whose constitutional rights are being prejudiced by the upholding and obeying of the law that is stated in the *a quo* law as "Due to" in Law 24/2009 "Does Not Have Indonesian Language Identity (Description)", which is in the form of "Indonesian Language Definition".

Regarding the Authority of the Court, because the Petitioner petitions for a review of the constitutionality of legal norms, *in casu* Article 25, Article 30, and Article 40 of Law 24/2009 against the 1945 Constitution, therefore the Court has the authority to hear the petition of the Petitioner.

Whereas although the Court has the authority to hear the *a quo* petition, However, before considering the legal standing of the Petitioner and the subject matter of the petition, the Court will first consider the following matters:

Whereas the Court has conducted a trial on February 9, 2022, with the agenda of Preliminary Examination. However, the Petitioner did not attend even though he had been legally and properly summoned, which according to the information from the Registrar's Office this happened due to an online connection/network interruption on the part of the Petitioner. Furthermore, the Court will reschedule the Preliminary Examination as intended to examine the *a quo* petition on February 22, 2022 with the Preliminary Examination agenda. Based on the provisions of Article 39 of the Constitutional Court Law, due to its obligations, the Panel of Judges has provided advice to the Petitioner to improve as well as clarify the matters relating to the Petitioner and his petition in accordance with the petition system as stipulated in Article 31 paragraph (1) and paragraph (2) of the Constitutional Court Law and Article 10 paragraph (2) of the Regulation of the Constitutional Court Number 2 of 2021

concerning Procedures in the Judicial Review Cases (PMK Number 2/2021).

Whereas the Petitioner has corrected his petition as received at the Registrar's Office of the Court on March 7, 2022 and the petition was examined in a preliminary examination trial with an agenda for revising the petition on March 7, 2022. The Petitioner in the revision of his petition did not describe the petition system which included: The Title, Identity of the Petitioner, Authority of the Constitutional Court, and Legal Standing of the Petitioner, however the Petitioner only describes the reasons for the Petition and the *Petitum*.

Whereas although the format for the revision of the Petitioner's petition is basically not in accordance with the format of the petition for judicial review as regulated in Article 31 paragraph (1) and paragraph (2) of the Constitutional Court Law and Article 10 paragraph (2) of PMK Number 2/2021, by referring to the revision of the petition, the Petitioner directly outlines the reasons for the Petition (*posita*) and the *Petitum*. Meanwhile, the Title, Identity of the Petitioner, Authority of the Constitutional Court, and Legal Standing of the Petitioner are stated in the initial petition and are not combined with the revised petition.

Furthermore, even though in the preliminary examination trial on February 22, 2022, the Court has given advice to the Petitioner to revise his petition [*vide* Article 39 paragraph (2) of the Constitutional Court Law] so that the Petitioner describes the petition system, legal position, and clarifies the reasons for submitting the petition in relation to the norms of the law petitioned for review using the basis of examination so that it is deemed as in contrary to the 1945 Constitution. In addition, the Petitioner is also advised to revise the unusual *petitum* because the Petitioner is petition for a compensation from the Government [*vide* Minutes of Preliminary Examination Trial on February 22, 2022]. However, the Petitioner still did not revise his petition, especially in elaborating the arguments regarding the contradiction between the articles petitioned for review and the articles that became the basis for examination in the 1945 Constitution.

Therefore, after carefully reading and reviewing the revision of the Petitioner's petition, the Court cannot understand the reasons for the Petitioner's petition if it is related to the *petitum* of the petition that the articles being reviewed since their constitutionality are in contrary to the 1945 Constitution and have no binding legal force. Therefore, there is no doubt for the Court to declare that the Petitioners' petition is vague.

Accordingly, the Court subsequently issued a decision which verdict states that the Petitioner's petition is inadmissible.