



CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA

SUMMARY OF DECISION
FOR CASE NUMBER 39/PUU-XX/2022

Concerning

Formal Examination and Material Examination of the State Capital Law

Petitioner	: Sugeng
Type of Case	: Formal Examination and Material Examination of Law Number 3 of 2022 concerning the State Capital (Law 3/2022) against the 1945 Constitution of the Republic of Indonesia (UUD 1945)
Subject Matter	: Formal Examination and Material Examination of Article 4 paragraph (1), paragraph (2), Article 5 paragraph (1), and paragraph (4), Article 6, Article 22, and Article 24 paragraph (1) of Law 3/2022 are in contrary to Article 17 of the 1945 Constitution.
Verdict	: To declare that the Petitioner's petition is inadmissible
Date of Decision	: Tuesday, May 31, 2022.
Overview of Decision :	

The Petitioner is an individual Indonesian citizen who believes that his constitutional rights have been prejudiced by the promulgation of Law 3/2022. The Petitioner considers that the formation process of Law 3/2022 lacks public participation and was formed hastily by the legislators. In addition, the relocation of the State Capital has ruled out many priority state/government programs/activities;

Regarding the authority of the Court, since the Petitioner petition for an examination of the constitutionality of legal norms, *in casu* formal examination and material examination of Law 3/2022 against the 1945 Constitution, the Court has the authority to hear the *a quo* petition;

Regarding the deadline for the formal examination, the Petitioner submitted a petition for a formal examination of Law 3/2022 to the Court on March 1, 2022 based on the Deed of Submission of the Petitioner's Petition Number 29/PUU/PAN.MK/AP3/03/2022, meanwhile Law 3/2022 was promulgated on February 15, 2022 so the deadline for submitting applications is March 31, 2022. Based on these legal facts, the Petitioner's petition is still within the time limit for submitting a petition for a formal examination of the law *in casu* Law 3/2022. Although, the Court has the authority to hear the *a quo* petition and the petition for a formal examination is still being submitted within the time limit for submitting the petition, but before the Court considers the legal standing of the Petitioner and the subject matter of the petition any further both in the formal examination and in the material examination, the Court needs to first consider the following matters:

Before the Court considers the legal standing of the Petitioner and the subject matter of the petition any further both in the formal examination and in the material examination, the Court needs to first consider the following matters:

- Whereas the Court found the legal facts, namely in terms of legal standing, the Petitioners were unable to distinguish specifically and describe clearly regarding the

relationship between the Petitioners' potential losses with the alleged issue of the constitutionality of Law 3/2022 in a formal manner. Meanwhile, in the material examination, the description in the legal standing section contains the arguments that are irrelevant to the perceived loss of the Petitioner's constitutional rights. Therefore, this description cannot explain the existence of the loss of constitutional rights in both formal and material examinations. Therefore, the Court is of the opinion that there is ambiguity in the description of the legal standing of the Petitioner, both in the legal standing in the formal examination and in the material examination.

- Whereas in the formal examination *posita*, the Petitioner did not clearly describe the issue of the formation process of Law 3/2022 which was deemed to be in contrary to the 1945 Constitution. The Petitioners only elaborated on a number of issues which, according to the Petitioner, should have been considered in the formation of Law 3/2022. The Court is of the opinion that this is irrelevant to the reason for the petition for a formal examination of Law 3/2022;
- Whereas in the material examination *posita*, the Petitioners did not describe at all the norms of the articles that were submitted for examination and the reasons for the unconstitutionality of the articles. The Petitioners only describe the norms of the articles being examined without a clear description of their relationship to the perceived unconstitutionality of the norms that are being petitioned for examination against the 1945 Constitution. In addition to causing ambiguity, the description of the Petitioners' petition is also in conflict with the *petitum*, in which the articles contained in the material examination *posita* are not contained in the *petitum*, moreover, the Petitioner in his petition did not specifically distinguish between the formal *petitum* and the material *petitum*.

Based on all of the aforementioned legal considerations, the Court is of the opinion that the Petitioners' petition is unclear regarding the legal standing, *posita* and *petitum*, both for the petition for formal examination and for material examination. Therefore, the entire petition of the Petitioner is unclear (vague).

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