



CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA

SUMMARY OF DECISION
FOR CASE NUMBER 40/PUU-XX/2022

Concerning

Formal Examination and Material Examination of the State Capital Law

- Petitioner** : Herifuddin Daulay
Type of Case : 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 : The formation of Law 3/2022 and the entire Article materials in Law 3/2022 is considered in contrary to 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 citizen who works as a teacher who believes that he is in a disadvantaged position because of the formation of Law 3/2022 and the material in Law 3/2022 have the potential to result in the use of the APBN (State Budget).

Regarding the authority of the Court, because the Petitioner petition for a formal and material examination of the Law *in casu* Law 3/2022 against the 1945 Constitution, which is one of the authorities of the Court, the Court has the authority to hear the *a quo* petition.

Regarding the deadline for submitting a formal examination the Court is of the opinion that the Petitioner submitted a petition for a formal examination of Law 3/2022 to the Court on March 4, 2022 based on the Deed of Submission of the Petitioner's Petition Number 31/PUU/PAN.MK/AP3/03/2022, meanwhile Law 3/2022 was promulgated on February 15, 2022 so the deadline for submitting the petition is March 31, 2022. Based on these legal facts, the Petitioner's petition is submitted within the time limit for submitting a petition for a formal examination of the law *in casu* Law 3/2022.

Whereas regarding the petition filed by the Petitioner, the Panel of Judges has advised the Petitioner to clarify the petition, because the Petitioner's petition is regarding a formal and material examination of the law and therefore the *a quo* petition should be able to clearly describe the legal standing of the Petitioner by specifically distinguishing between the legal standing in the petition for the formal examination and the material examination. The same applies to the reasons for the petition (*posita*) and the *petitum*, so that the petition requested in the *petitum*, both in the formal and material petition, shall contain clear reasons in the *posita* section. In addition, the Panel of Judges has advised the Petitioner to adjust the format and the requirements of the Petition in accordance with the Constitutional Court Law and PMK 2/2021 [*vide* Summary of the Court Hearings of Case Number 40/PUU-XX/2022, dated April 13, 2022].

Whereas the Petitioner has revised his petition and it was received by the Registrar of the Court on April 26, 2022, which points of revision of his petition was submitted in the preliminary examination hearings with the agenda of examining the revision of the petition on May 10, 2022.

After further reviewing the revision of the Petitioner's petition, the Court considered that the Petitioner had basically submitted a petition for a formal and material examination of Law 3/2022, but the Court found legal facts, namely in the legal standing section, that the Petitioner could not clearly describe the relationship issue between the Petitioner's potential losses and the alleged constitutionality issues in the formation process of Law 3/2022. Meanwhile, in the legal standing section of the material examination, the Petitioner describe the alleged contradiction between the norms being petitioned for an examination and the norms in the 1945 Constitution which are used as the basis for the examination without being able to describe their relationship to the Petitioner's potential loss. The descriptions in the legal standing section contain a number of arguments that are irrelevant to the Petitioner's perceived constitutional loss. Therefore, the description cannot explain the existence of a relationship between the *a quo* norms and the potential loss of the Petitioner. 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.

In the section on the reasons for the petition (*posita*) for the formal examination, the Petitioner did not clearly explain the issue in the formation process of Law 3/2022 which was considered to be in contrary to the 1945 Constitution. The Petitioner only elaborated on a number of issues which, according to the Petitioner, should have been considered in the formation process of Law 3/2022. The Court is of the opinion that this is irrelevant to the reasons for the petition for a formal examination of Law 3/2022. In the section regarding the reasons for the petition (*posita*) for a material examination, the Petitioner did not explain at all the norms of the articles that were being petitioned for an examination and the reasons for the unconstitutionality of such articles. The Petitioner only explained that the norms in Law 3/2022 have caused "a lot of polemics" without any clear explanation regarding the perceived unconstitutionality of the law and the conflicting norms in the 1945 Constitution. In addition to causing ambiguity, the description of the Petitioner's petition also created a conflict with the *petitum*, in which the Articles being petitioned for a material examination, from *petitum* number (1) to *petitum* number (29) were not clearly explained in the *posita* section.

Based on all these legal considerations, the Court is of the opinion that the Petitioner's petition is unclear on the legal standing, *posita* and *petitum* section, both in 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.