



CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA

**SUMMARY OF DECISION
FOR CASE NUMBER 53/PUU-XX/2022**

Concerning

Formal Examination of the State Capital Law

Petitioner	:	Anah Mardianah
Type of Case	:	Formal 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 of Law 3/2022 against Article 27 paragraph (1), Article 28C paragraph (2), Article 28D paragraph (1) 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 works as a teacher;

Regarding the authority of the Court, since the Petitioner petitions for a formal examination of the law, *in casu* Law Number 3 of 2022 concerning the State Capital (Law 3/2022) against the 1945 Constitution, then based on Article 24C paragraph (1) of the 1945 Constitution, Article 10 paragraph (1) letter a of the Constitutional Court Law, and Article 29 paragraph (1) of Judicial Powers Law, the Court has the authority to hear the *a quo* petition;

Regarding the time limit for the formal examination, the Court has considered the Decision of the Constitutional Court Number 27/PUU-VII/2009, dated June 16, 2010, Paragraph [3.34], Article 1 number 12 of Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Establishment of Legislation (Law 15/2019), as well as the Decision of the Constitutional Court Number 14/PUU-XX/2022, dated April 20, 2022, in Paragraph [3.3] number 3 to number 5;

Whereas in relation to two terms regarding the submission time, which is 45 (forty-five) days for a formal examination, namely "after" and "since" a law is promulgated. If the petition for a formal examination of a law against the 1945 Constitution is submitted "after" it is promulgated in the State Gazette of the Republic of Indonesia and the Supplement to the State Gazette of the Republic of Indonesia, such interpretation may or have the potential to create legal uncertainty. This is because, although the meaning of "after" can be interpreted as shortly after the law is promulgated in the State Gazette of the Republic of Indonesia and the Supplement to the State Gazette of the Republic of Indonesia, it can also be interpreted after some time later. This is different from the meaning of "since" which is more definite and concrete, namely the calculation shall take effect from the time the law is promulgated in the State Gazette of the Republic of Indonesia and the Supplement to the State Gazette of the Republic of Indonesia. Therefore, the Court is of the opinion that the petition for a formal examination of the law against the 1945 Constitution shall be filed within 45 days "since" the law is promulgated in the State Gazette of the Republic of Indonesia and the Supplement to the State Gazette of the Republic of Indonesia, as confirmed in Article 9 paragraph (2) of the Constitutional Court Regulation Number 2 of 2021 concerning Proceedings in of Judicial

Review Cases and the Decision of the Constitutional Court Number 14/PUU-XX/2022, dated April 20, 2022;

Whereas the Petitioner has submitted a formal petition for Law 3/2022 to the Court on April 1, 2022 as stated in the Deed of Submission of the Petitioner's Petition Number 48/PUU/PAN.MK/AP3/04/2022 and recorded in the Electronic Constitutional Case Registration Book (*Buku Registrasi Perkara Konstitusi Elektronik* or e-BRPK) on April 7, 2022 under the Number 53/PUU-XX/2022. Meanwhile, Law 3/2022 was promulgated on February 15, 2022. Therefore the Petitioner's petition was submitted on the 46th (forty-sixth) day since Law 3/2022 was promulgated in the State Gazette of the Republic of Indonesia of 2022 Number 41 and the Supplement to the State Gazette of the Republic of Indonesia Number 6766. Therefore, the Petitioner's petition does not fulfil the requirement regarding the time limit for the formal examination at the Constitutional Court.

Based on all of the aforementioned considerations, because the Petitioner's petition was filed past the deadline for submitting the petition, the legal standing and the subject matter of the Petitioner's petition, as well as any other matters, shall not be considered;

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