



CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA

SUMMARY OF DECISION
FOR CASE NUMBER 64/PUU-XIX/2021

Concerning

Requirements for Business Licensing for Animal Health Workers
Who Want to Provide Animal Health Services

- Petitioner** : Indonesian Veterinary Association (*Perhimpunan Dokter Hewan Indonesia* or PDHI), Jeck Ruben Simatupang, et al
- Type of Case** : Examination of Law Number 11 of 2020 concerning Job Creation (Law 11/2020) against the 1945 Constitution of the Republic of Indonesia (UUD 1945);
- Subject Matter** : Examination of Article 34 number 16 paragraph (2) and number 17 paragraph (1) of Law 11/2020 which contains the amendments to Article 69 paragraph (2) and Article 72 paragraph (1) of Law 18/2009 against Article 27 paragraph (2), Article 28C paragraph (1), and Article 28D paragraph (1) of the 1945 Constitution;
- Verdict** : To declare that the Petitioners' petition is inadmissible.
- Date of Decision** : Tuesday, January 25, 2022
- Overview of Decision** :

Petitioner I is the Indonesian Veterinary Association (*Perhimpunan Dokter Hewan Indonesia* or PDHI) which is a legal entity as represented by Muhammad Munawaroh, MM as the General Chairman and Dr. drh. Widagdo Sri Nugroho, MP as the Secretary General. Petitioner II, Petitioner III, Petitioner

Petitioner IV and Petitioner V are individual Indonesian citizens who respectively work as veterinarians in Bekasi Regency, South Tangerang City, Batu City, and Tangerang Regency. Then Petitioner VI is an individual Indonesian citizen as a user of the doctor's service. Whereas the Petitioners believe that their constitutional rights have been prejudiced by the promulgation of the *a quo* norms because they do not get a decent job and livelihood, do not get benefits from science to improve the quality of life, and do not get recognition, guarantees, protection and fair legal certainty and equal treatment before the law as guaranteed in the 1945 Constitution.

Regarding the authority of the Court because of the Petitioners petition for the Review of Article 34 number 16 paragraph (2) and number 17 paragraph (1) of Law 11/2020 which contains the amendments to Article 69 paragraph (2) and Article 72 paragraph (1) of Law 18/2009 against Article 27 paragraph (2), Article 28C paragraph (1), and Article 28D paragraph (1) of the 1945 Constitution, the Court has the authority to hear the Petitioners' petition;

Regarding the legal standing of the Petitioners, the Court is of the opinion that the Petitioners have constitutional rights as guaranteed in Article 27 paragraph (2), Article 28C paragraph (1), and Article 28D paragraph (1) of the 1945 Constitution and they are being prejudiced due to the promulgation of Article 34 number 16 paragraph (2) and number 17 paragraph (1) of Law 11/2020 which contains the amendments to Article 69 paragraph (2) and Article 72 paragraph (1) of Law 18/2009. Petitioners I to Petitioners V are the parties who believe they are being prejudiced by the promulgation of the *a quo* norms because of the

requirements for Business Licensing as stipulated by the Central Government, the requirements has caused the Petitioners to be unable to provide health services for animals and if indeed Business Licensing is required for animal health workers who wish to provide animal health services, then this has an impact on the price of services that must be paid for its users in this case Petitioner VI. Not only that, but the requirements as regulated by the *a quo* norm also has changed the value of veterinary services and the dedication of the veterinary profession. With this description, the Court is of the opinion that apart from the Petitioners having constitutional rights guaranteed in the 1945 Constitution, the constitutional losses suffered by the Petitioners also have a cause and effect with the promulgation of the *a quo* norms, therefore the Petitioner has the legal standing to file the *a quo* petition.

Whereas the Petitioners in this case believe that the *a quo* norm is in contrary to Article 27 paragraph (2), Article 28C paragraph (1), and Article 28D paragraph (1) of the 1945 Constitution, for reasons which are in principal as follows:

1. According to the Petitioners, the *a quo* norm is in contrary to Article 27 paragraph (2) of the 1945 Constitution because the required Business Licensing does not provide any convenience in the process of applying for business license as stated in the academic text of the Bill 11/2020;
2. The Petitioners are of the opinion that the *a quo* norm has prejudiced them because it hinders the constitutional rights of the Petitioners in terms of obtaining a decent job and livelihood because they cannot open practice services as veterinarians independently due to the difficulty of fulfilling the capital requirements as required in the *a quo* norm;
3. The Petitioners are of the opinion that the *a quo* norm has reduced the value of animal health services and the dedication of the veterinary profession that prioritizes the amount of service fees provided by users of animal health services. This will automatically increase the cost for animal health services so that the people are reluctant to use animal health services;
4. The Petitioners are of the opinion that the *a quo* norm has hindered the constitutional rights of the Petitioners to obtain fair recognition, guarantees, protection and legal certainty as well as equal treatment before the law. The *a quo* norm implicitly states that the veterinary profession is only a business activity determined by the amount of capital alone, and this shows that the state does not recognize, guarantee, provide protection and provide legal certainty for animal health workers, especially veterinarians themselves;
5. The Petitioners petition that the Court grants the Petitioners' petition by stating that the Article 34 number 16 paragraph (2) and number 17 paragraph (1) of Law 11/2020 which contains the amendments to Article 69 paragraph (2) and Article 72 paragraph (1) of Law 18/2009 are in contrary to the 1945 Constitution and have no binding legal force as long as the phrase "Business Licensing" is not interpreted as only a practice permit that prioritizes nationally applicable animal health competencies.

Whereas because the petition of the Petitioners is clear, based on Article 54 of the Constitutional Court Law, according to the Court, there is no urgency to hear the statements of the parties as referred to in Article 54 of the Constitutional Court Law.

Whereas based on the foregoing, the Court in this case considers the following:

The Court needs to reaffirm regarding Law 11/2020 whose formal review has been decided by the Court in the Decision of the Constitutional Court Number 91/PUU- XVIII/2020, dated November 25, 2021, which states:

1. To declare that the petition of Petitioner I and Petitioner II is inadmissible;
2. To grant the petition of Petitioner III, Petitioner IV, Petitioner V, and Petitioner VI in part;
3. To declare that the establishment of Law Number 11 of 2020 concerning Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573) is in contrary to the 1945 Constitution of the Republic of Indonesia and has no conditional binding legal force as long as it is not interpreted as "no correction is made within 2 (two) years since this decision is declared";
4. To declare that Law Number 11 of 2020 concerning Job Creation (State Gazette of

- the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573) is still in effect until corrections are made to the establishment in accordance with the grace period as determined in this decision;
5. To order the legislators to make the corrections within a maximum period of 2 (two) years since this decision is declared and if within that time limit no corrections are made then Law Number 11 of 2020 concerning Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573) shall become permanently unconstitutional;
 6. To declare that if within a period of 2 (two) years the legislators cannot complete the corrections of Law Number 11 of 2020 concerning Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573) then this law or articles or material content of laws that have been revoked or amended by Law Number 11 of 2020 concerning Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573) shall be declared to be reinstated;
 7. To declare the suspension of all strategic and broad-impact actions/policies, and it is also not permissible to issue new implementing regulations relating to Law Number 11 of 2020 concerning Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573);
 8. To order the recording of this decision in the State Gazette of the Republic of Indonesia as appropriate;
 9. To dismiss the Petitioners' petition for the remainder.

Regarding the arguments of the Petitioners in the *a quo* petition which state that although the Constitutional Court Decision Number 91/PUU-XVIII/2020 in the formal review of Law 11/2020 stated that the *a quo* Law is conditionally unconstitutional, but material examination can still be carried out because Law 11/2020 is still in effect. Regarding the arguments of the Petitioners, the Court is of the opinion that the Law 11/2020 has been declared conditionally unconstitutional by the Court in the Constitutional Court Decision Number 91/PUU-XVIII/2020 so that it is formally invalid until there is a formal correction during the relevant grace period of 2 (two) years. The relevant period of 2 (two) years is a period of formal corrections. This is because during the formal corrections period, it is possible that there will be amendments or improvements to the substance made by the legislators. Furthermore, in the verdict of the *a quo* Decision number 7 the Court declare the suspension of all strategic and broad-impact actions/policies, and it is also not permissible to issue new implementing regulations related to Law Number 11 of 2020 concerning Job Creation. Therefore, according to the Court, the Petitioners' petition is premature. Such considerations are because the *a quo* petition is filed after the Decision of the Constitutional Court Number 91/PUU-XVIII/2020, dated November 25, 2021.

Therefore, based on the legal considerations in the aforementioned decision, the Court is of the opinion that the Petitioners' petition is premature. Therefore, the subject matter of the petition and other matters of the *a quo* petition shall not be considered further.

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