



**CONSTITUTIONAL COURT  
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION  
FOR CASE NUMBER 70/PUU-XIX/2021**

**Concerning**

**Presidential Candidate Threshold**

<b>Petitioner</b>	: <b>Gatot Nurmantyo</b>
<b>Type of Case</b>	: Examination of Law Number 7 of 2017 concerning General Election (Law 7/2017) against the 1945 Constitution of the Republic of Indonesia (UUD 1945)
<b>Subject matter</b>	: Examination of Article 222 of Law 7/2017 against Article 28D paragraph (1), Article 28D paragraph (3) and Article 28E paragraph (1) of the 1945 Constitution
<b>Verdict</b>	: To declare that the Petitioner's petition is unjustifiable.
<b>Date of Decision</b>	: Thursday, February 24, 2022

**Overview of Decision**

The Petitioner is an individual Indonesian citizen who feels he has the constitutional right to vote for the President and Vice President and also has the right to be elected as President.

Regarding the authority of the Court, since the Petitioner's petition is requesting the review of Article 222 of Law 7/2017 against the 1945 Constitution, the Court has the authority to hear the Petitioner's petition;

Regarding the legal standing of the Petitioner, whereas in principle, the Petitioner argues that the promulgation of the threshold for the nomination of President and Vice President (presidential threshold) as stipulated in Article 222 of Law 7/2017 has resulted in limited choices of future people's leaders (candidates for President) and the Petitioner is of the opinion that an honest and fair general election is the implementation of a general election that provides opportunities for all, in this case political parties participating in the general election to nominate the presidential and/or vice presidential candidates without any nomination threshold;

Whereas in relation to the Petitioners' argument regarding his legal standing, the Court in principal considers the following:

- a. Whereas regarding the legal standing of an individual citizen in submitting a petition for a review of the provisions regarding the presidential threshold, *in casu* Article 222 of Law 7/2017, the Court has considered in the Decision of the Constitutional Court Number 66/PUU-XIX/2021 dated February 24, 2022, in paragraph [3.6.2] and paragraph [3.6.3].
- b. Whereas in such decision there are 4 (four) Constitutional Justices who submitted dissenting opinions, namely Constitutional Justice Manahan M.P. Sitompul and Constitutional Justice Enny Nurbaningsih and Constitutional Justice Suhartoyo and Constitutional Justice Saldi Isra. In these dissenting opinions, which is fully contained in the Decision of the Constitutional Court Number 66/PUU-XIX/2021, the Constitutional Justice Manahan M.P. Sitompul and Constitutional Justice Enny Nurbaningsih are of the opinion that although the individual Petitioner has the legal standing to file a petition regarding the threshold requirement for the Presidential and Vice-Presidential candidates, the subject matter of the petition is legally unjustifiable, so

that the Petitioner's petition is dismissed. Meanwhile, Constitutional Justice Suhartoyo and Constitutional Justice Saldi Isra are of the opinion that the individual Petitioner has a legal standing and the subject matter of the petition is legally justifiable, therefore the Petitioner's petition is granted.

- c. Whereas based on the consideration of the Decision of the Constitutional Court Number 66/PUU- XIX/2021, in relation to the qualifications of the Petitioner, as an individual Indonesian citizen who has the right to vote, the Court is of the opinion that the Petitioner has known that the result of his voting right in the 2019 legislative election will also be used as part of the threshold requirements for the nomination of the presidential and vice presidential candidates in 2024 which can only be proposed by a political party or coalitions of political parties participating in the general election, so there is no constitutional loss on the side of the Petitioner. The issue of the number of pairs for the Presidential and Vice-Presidential candidates who will compete in the Presidential and Vice-Presidential election does not correlate with the norms of Article 222 of Law 7/2017 because the *a quo* norms do not limit the number of pairs of Presidential and Vice Presidential candidates who are entitled to participate in the Presidential and Vice Presidential election. Therefore, in addition to the Petitioner not having a constitutional loss with the promulgation of the norms of Article 222 of Law 7/2017, there is also no causal relationship between the *a quo* norms with the constitutional rights of the Petitioner as a voter in the Election.
- d. Whereas based on all of the aforementioned legal considerations, according to the Court, the Petitioner does not have the legal standing to file the *a quo* petition, so that the Court shall not consider the subject matter of the Petitioner's petition.

Based on the considerations as described above, the Court has issued a decision which verdict states that the Petitioner's petition is legally unjustifiable.