

**LAW OF THE REPUBLIC OF INDONESIA
NUMBER 24 YEAR 2003
CONCERNING
THE CONSTITUTIONAL COURT
AS AMENDED BY LAW NUMBER 8 YEAR 2011
CONCERNING THE AMENDMENT OF LAW
NUMBER 24 YEAR 2011 CONCERNING THE
CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA
IN ONE TEXT**

WITH THE BLESSING OF GOD THE ALMIGHTY
THE PRESIDENT
OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. whereas, the Constitutional Court as one of the independent implementers of judicial power plays an important role in upholding the constitution and the principle of constitutional state in accordance with its authorities and obligations as set out in the 1945 Constitution of the State of the Republic of Indonesia;
 - b. whereas, Law Number 24 Year 2004 concerning the Constitutional Court is

in certain parts no longer suitable to the developments of the society's need in the field of law and in constitutional life;

- c. whereas, based on the considerations as intended in letter a and letter b hereinabove, it is necessary to formulate a Law concerning the Amendment of Law Number 24 Year 2003 concerning the Constitutional Court;

- In View of :
- 1. Article 7A, Article 7B, Article 20, Article 21, Article 22E paragraph(2), Article 24, Article 24C, and Article 25 of the 1945 Constitution of the State of the Republic of Indonesia;
 - 2. Law Number 24 Year 2003 concerning the Constitutional Court (State Gazette of the Republic of Indonesia Year 2003 Number 98, Supplement to the State Gazette of the Republic of Indonesia Number 4316);

3. Law Number 48 Year 2009 concerning Judicial Power (State Gazette of the Republic of Indonesia Year 2009 Number 157, Supplement to the State Gazette of the Republic of Indonesia Number 5076);

With the Joint Approval of the
PEOPLE'S LEGISLATIVE ASSEMBLY OF THE
REPUBLIC OF INDONESIA

and

THE PRESIDENT

IT HAS BEEN DECIDED TO:

Establish : THE LAW CONCERNING THE
AMENDMENT OF LAW NUMBER
24 YEAR 2003 CONCERNING THE
CONSTITUTIONAL COURT.

CHAPTER I GENERAL PROVISIONS

Article 1

Referred in this Law as:

1. Constitutional Court shall be one of the implementers of judicial power as intended in the 1945 Constitution of the State of the Republic of Indonesia.
2. The People's Legislative Assembly hereinafter briefly referred to as DPR shall be the People's Legislative Assembly as intended in the 1945 Constitution of the State of the Republic of Indonesia.
3. Petition shall be a written request filed with the Constitutional Court concerning the following matters:
 - a. the review of laws against the 1945 Constitution of the State of the Republic of Indonesia;
 - b. disputes related to the authorities of state institutions whose authorities are granted under the 1945 Constitution of the State of the Republic of Indonesia;
 - c. the dissolution of political parties;
 - d. disputes concerning the results of general elections;
or
 - e. the DPR's opinion that the President and/or the Vice President have/has allegedly committed a violation of the law in the form of treason against the state, corruption, bribery, other serious criminal

acts, or misconduct, and/or no longer meet(s) the requirements as President and/or Vice President as intended in the 1945 Constitution of the State of the Republic of Indonesia.

4. The Honorary Council of the Constitutional Court shall be a unit formed by the Constitutional Court to monitor, examine and recommend measures to be taken against Constitutional Court Justices, alleged of having violated the Code of Ethics and Code of Conduct for Constitutional Court Justices.

CHAPTER II

POSITION AND ORGANIZATIONAL STRUCTURE

Part One

Position

Article 2

The Constitutional Court is one of the state institutions which independently implements judicial powers for the purpose of administering a judiciary aimed at enforcing the law and upholding justice.

Article 3

The Constitutional Court shall have its seat in the capital city of the State of the Republic of Indonesia.

Part Two

Organizational Structure

Article 4

- (1) The Constitutional Court shall consist of 9 (nine) Constitutional Court Justices as members to be stipulated by a Presidential Decree.
- (2) The Constitutional Court's organizational structure shall consist of a Chief Justice concurrently acting as member, a Deputy Chief Justice concurrently acting as member, and 7 (seven) Constitutional Court Justices as members.
- (3) The Chief Justice and the Deputy Chief Justice of the Constitutional Court shall be elected from and by member Constitutional Court Justices for a term of office of 2 (two) years 6 (six) months as from the date on which the Chief Justice and the Deputy Chief Justice of the Constitutional Court are appointed.
- (3a) The Chief Justice and Deputy Chief Justice of the Constitutional Court elected as intended in paragraph (3) shall be eligible for reelection for the same position for 1 (one) term of office.
- (4) Prior to the election of the Chief Justice and the Deputy Chief Justice of the Constitutional Court as intended in paragraph (3), the meeting for the election of the Chief Justice and the Deputy Chief Justice of the Constitutional Court shall be chaired by the oldest Constitutional Court Justice.

- (4a) The meeting for election as intended in paragraph (4) shall be attended by not less than 7 (seven) member Constitutional Court Justices.
- (4b) In the event that the quorum of the meeting as intended in paragraph (4a) is not fulfilled, the meeting shall be adjourned for not more than 2 (two) hours.
- (4c) In the event that the meeting has been adjourned t as intended in paragraph (4b) and the quorum of the meeting is still not fulfilled, the meeting can make a decision without quorum.
- (4d) The decision in the meeting for the election of the Chief Justice and Deputy Chief Justice of the Constitutional Court as intended in paragraph (4c) shall be made based on deliberation for consensus in order to achieve acclamation.
- (4e) In the event that no decision can be made by acclamation as intended in paragraph (4d), decision shall be made based on the majority of votes by independent and secret casting of votes.
- (4f) The Chief Justice and the Deputy Chief Justice of the Constitutional Court shall be elected in 1 (one) election meeting.¹
- (4g) The candidate obtaining the greatest number of votes in the election as intended in paragraph (4f) shall be

¹ As from Tuesday, October 18, 2011, this paragraph has no longer binding legal force by virtue of the decision of the Constitutional Court Number 49/PUU-IX/2011.

stipulated as the Chief Justice of the Constitutional Court.²

- (4h) The candidate that obtains the second greatest number of votes in the election as intended in paragraph (4f) shall be stipulated as the Deputy Chief Justice of the Constitutional Court.³
- (5) Further provisions concerning the procedure for the election of the Chief Justice and the Deputy Chief Justice shall be provided for in the Regulation of the Constitutional Court.

Article 5

Constitutional Court Justices shall be state officials.

Article 6

- (1) The protocol status and financial rights of the Chief Justice, the Deputy Chief Justice, and of members of the Constitutional Court shall be subject to the provisions of laws and regulations applicable to state officials.

2 As from Tuesday, October 18, 2011, this paragraph has no longer binding legal force by virtue of the decision of the Constitutional Court Number 49/PUU-IX/2011.

3 As from Tuesday, October 18, 2011, this paragraph has no longer binding legal force by virtue of the decision of the Constitutional Court Number 49/PUU-IX/2011.

- (2) The State shall guarantee security to Constitutional Court Justices in implementing their respective tasks and responsibilities as the implementers of judicial power.
- (3) Constitutional Court Justices can only be subjected to police action upon the Attorney General's order after having obtained written approval from the President, except in the following matters:
 - a. caught in the act of committing a criminal act; or
 - b. based on adequate initial proof being alleged of having committed a criminal offense which is subject to the capital punishment, criminal offense against the security of the state, or a special criminal act .

Part Three

The Registrars' Office and the General Secretariat

Article 7

A registrars' office and general secretariat shall be established at the Constitutional Court in order to provide assistance in the implementation of the Constitutional Court's tasks and authorities.

Article 7A

- (1) The registrars' office as intended in Article 7 shall be a functional position implementing the Constitutional Court's judiciary technical administrative tasks.⁴
- (2) The judiciary technical administrative tasks as intended in paragraph (1) shall include the following:
 - a. coordination of judiciary technical implementation at the Constitutional Court;
 - b. development and implementation of case administration;
 - c. development of technical services for judiciary activities at the Constitutional Court; and
 - d. the implementation of other tasks assigned by the Chief Justice of the Constitutional Court in accordance with its field of duties.

Article 7B

- (1) The general secretariat as intended in Article 7 shall implement the Constitutional Court's administrative technical tasks.
- (2) the administrative technical tasks as intended in paragraph (1) shall include the following:

⁴ As from Tuesday, September 25, 2012, this paragraph has binding legal force insofar as it is accompanied with the phrase "with the retirement age of 62 years for Registrars, Junior Registrars, and Substitute Registrars" by virtue of the decision of the Constitutional Court Number 34/PUU-X/2012.

- a. coordination of administrative implementation within the general secretariat and the registrars' office;
- b. formulation of the plan and program for administrative technical support;
- c. implementation of cooperation with the community and inter-institutional relations;
- d. implementation of supporting facilities for court hearing activities; and
- e. the implementation of other tasks assigned by the Chief Justice of the Constitutional Court in accordance with its field of tasks.

Article 8

Further provisions concerning the organizational structure, functions, tasks, and authorities of a Registrars' Office and General Secretariat of Constitutional Court shall be provided for in a Presidential Regulation based on the Constitutional Court's proposal.

Article 9

The Constitutional Court's budget shall be allocated under a separate budget item in the State Revenues and Expenditures Budget.

CHAPTER III

THE CONSTITUTIONAL COURT'S POWER

Part One

Jurisdiction

Article 10

- (1) The Constitutional Court holds jurisdiction of first and final instance whose decisions shall be final in the following matters:
 - a. the review of laws against the 1945 Constitution of the State of the Republic of Indonesia;
 - b. decide upon disputes related to the authorities of state institutions whose authorities are granted under the 1945 Constitution of the State of the Republic of Indonesia
 - c. decide upon the dissolution of political parties; and
 - d. decide upon disputes concerning the results of general elections.

- (2) The Constitutional Court shall be obligated to pass a decision on the opinion of the DPR which alleges that the President and/or the Vice President have/has committed a violation of the law in the form of treason against the state, corruption, bribery, other serious criminal acts, or misconduct, and/or no longer fulfill/fulfills the requirements as the President and/or the Vice President as intended in the 1945 Constitution of the State of the Republic of Indonesia.

- (3) The provisions as intended in paragraph (2) shall be as follows:
- a. treason against the state shall be criminal acts against the security of the state as provided for under law;
 - b. corruption and bribery shall be the criminal act of corruption or bribery as provided for under law.
 - c. other serious criminal acts shall be criminal acts subject to the criminal sanction of 5 (five) years or more.
 - d. misconduct shall be conduct which can potentially compromise the dignity of the President and/or the Vice President.
 - e. no longer fulfilling the requirements as the President and/or the Vice President shall be the requirements as set forth in Article 6 of the 1945 Constitution of the State of the Republic of Indonesia.

The elucidation on Article 10 shall be amended to read as follows:⁵

Article 10

Paragraph (1)

The decisions of the Constitutional Court shall be final, namely the decisions of the Constitutional Court shall obtain immediate legal force as from

⁵ As from Tuesday, October 18, 2011, this paragraph has no longer binding legal force by virtue of the decision of the Constitutional Court Number 49/PUU-IX/2011.

the time they are pronounced and there shall be no further legal remedies available. The final character of the Constitutional Court's decisions under this Law includes final and binding legal force.

Paragraph (2)

Referred to as the “opinion of the DPR” shall be the DPR's opinion concerning the alleged violation by the President and/or the Vice President as determined in the Plenary Resolution in compliance with the Law concerning the People's Consultative Assembly, the People's Legislative Assembly, the Regional Representatives' Council and the Regional People's Legislative Assembly, and the Regulation of the People's Legislative Assembly concerning Procedures.

Paragraph (3)

Self-explanatory.

Article 11

For the purpose of the implementation of its jurisdiction as intended in Article 10, the Constitutional Court shall have the authority to summon state officials, government officials, or members of the community in order to provide statements.

Part Two

Responsibilities and Accountability

Article 12

The Constitutional Court shall have the responsibility to manage its organization, personnel, administration, and finances in compliance with the principles of good and clean governance.

Article 13

- (1) The Constitutional Court shall be obligated to announce to the public period reports on the following:
 - a. petitions filed, examined, and decided upon;
 - b. financial management and other administrative tasks.
- (2) The reports as intended in paragraph (1) shall be announced in the periodic news published by the Constitutional Court.

Article 14

The people shall have access to obtain the Constitutional Court's decisions.

CHAPTER IV
THE APPOINTMENT AND DISMISSAL OF
CONSTITUTIONAL COURT JUSTICES

Part One
Appointment

Article 15

- (1) Constitutional Court Justices must meet the following requirements:
- a. possess integrity and impeccable personality;
 - b. be just; and
 - c. be statesman who have mastered the constitution and state administration.
- (2) In order to be eligible to be appointed as a Constitutional Court Justice, in addition to meeting the requirements as intended in paragraph (1), a Constitutional Court Justice candidate must meet the following requirements:
- a. is an Indonesian citizen;
 - b. holds a doctoral and master's degree with an undergraduate background based on higher education in law;
 - c. is devout to God The Almighty and possess a noble character;
 - d. is at least 47 (forty-seven) years of age and not more than 65 (sixty-five) years of page at the time of appointment;⁶

⁶ As from Thursday, March 28, 2013, this stipulation (letter d) shall not

- e. possesses the physical and mental ability to perform the tasks and implement the obligations;
 - f. has never been imposed with the criminal sanction of imprisonment by virtue of a court decision which has obtained full legal force;
 - g. is not currently declared bankrupt by virtue of a court decision; and
 - h. has at least 15 (fifteen) years of work experience in the field of law and/or has served as a state official.⁷
- (3) In addition to the requirements as intended in paragraph (1) and paragraph (2) Constitutional Court Justice candidates must also fulfill the administrative requirements by submitting the following:
- a. written statement on preparedness to serve as Constitutional Court justice;
 - b. curriculum vitae;
 - c. submit a legalized photo-copy of diploma while presenting the original diploma;
 - d. report on the candidate's list of assets and source of income accompanied by valid supporting documents and legalized by the relevant institution; and
 - e. Taxpayer's Registration Number (NPWP).

have any binding legal force insofar as it is not interpreted as, "Reaching the minimum age of 47 (forty-seven) years and the maximum age of 65 (sixty-five) years at the first time of appointment" by virtue of the decision of the Constitutional Court Number 7/PUU-XI/2013.

7 As from Tuesday, October 18, 2011, this provisions (sub-paragraph h.) insofar as the phrase "and/or has served as a state official", has no longer binding legal force by virtue of the decision of the Constitutional Court Number 49/PUU-IX/2011.

Article 16

Deleted.

Article 17

Constitutional Court Justices shall be prohibited from concurrently serving as:

- a. state official in another state institution;
- b. member of a political party;
- c. entrepreneur;
- d. advocate; or
- e. civil servant.

Article 18

- (1) Constitutional Court Justices shall be nominated respectively 3 (three) by the Supreme Court, 3 (three) by the DPR, and 3 (three) by the President, to be stipulated by a Presidential Decree.
- (2) The Presidential Decree as intended in paragraph (1) shall be stipulated within 7 (seven) working days as from the time at which the nomination of the candidates is received by the President.

Article 19

The nomination of Constitutional Court Justice candidates shall be conducted in a transparent and participatory manner.

Article 20

- (1) Provisions concerning the procedures for the selection, election, and nomination of Constitutional Court Justices shall be set forth by the competent institutions respectively as intended in Article 18 paragraph (1).
- (2) The election of Constitutional Court Justices as intended in paragraph (1) shall be conducted in an objective and accountable manner.

Article 21

- (1) Prior to assuming office, a Constitutional Court justice shall take an oath or shall make a pledge according to his/her religion, as follows:

Oath of a Constitutional Court justice:

“By God I solemnly swear that I shall fulfill my obligations as a Constitutional Court justice to the best of my abilities and in the fairest of manners, shall firmly uphold the 1945 Constitution of the State of the Republic of Indonesia, and shall strictly observe all laws and regulations in compliance with the 1945 Constitution of the State of the Republic of Indonesia, and shall devote myself to the country and to the people.”

Pledge of a Constitutional Court justice:

“I hereby pledge that I shall truly fulfill my obligations as a Constitutional Court justice to the best of my abilities and in the fairest of manners, shall firmly

uphold the 1945 Constitution of the State of the Republic of Indonesia and shall strictly observe all laws and regulations in compliance with the 1945 Constitution of the State of the Republic of Indonesia, and shall devote myself to the country and to the people.”

- (2) The pronouncement of the oath or the pledge as intended in paragraph (1) shall be conducted before the President.
- (3) Prior to assuming office, the Chief Justice and the Deputy Chief Justice of the Constitutional Court shall take an oath or shall make a pledge according to his/her religion, as follows:

Oath of the Chief Justice/Deputy Chief Justice of the Constitutional Court:

“By God I solemnly swear that I shall fulfill my obligations as the Chief Justice/Deputy Chief Justice of the Constitutional Court to the best of my abilities and in the fairest of manners, firmly upholding the 1945 Constitution of the State of the Republic of Indonesia, and shall strictly observe all laws and regulations in compliance with 1945 Constitution of the State of the Republic of Indonesia, and shall devote myself to the country and to the people.”

Pledge of the Chief Justice/Deputy Chief Justice of the Constitutional Court:

“I hereby pledge that I shall truly fulfill my obligations as Chief Justice/Deputy Chief Justice of the

Constitutional Court to the best of my abilities and in the fairest of manners, shall firmly uphold the 1945 Constitution of the State of the Republic of Indonesia and shall strictly observe all law and regulations in compliance with the 1945 Constitution of the State of the Republic of Indonesia, and shall devote myself to the country and to the people.”

Part Two Term of Office

Article 22

The term of office of a Constitutional Court justice shall be 5 (five) years and he/she can be reelected only for 1 (one) subsequent term of office.

Part Three Dismissal

Article 23

- (1) A Constitutional Court justice will be honorably dismissed for the following reasons:
 - a. he/she passes away;
 - b. by voluntary resignation submitted to the Chief Justice of the Constitutional Court;
 - c. he/she has reached 70 (seventy) years of age;

- d. he/she has reached the end of his/her term of office;
or
 - e. he/she suffers from a permanent physical or mental illness for 3 (three) months rendering him/her unable to perform his/her duties as substantiated by a written statement from a physician.
- (2) A constitutional court justice will be dishonorably dismissed in the event of the following:
- a. he/she is imposed with the criminal sanction of imprisonment based on a court decision which has obtained permanent legal force for having committed a criminal act which is punishable by the criminal sanction of imprisonment
 - b. he/she commits an act of misconduct;
 - c. does not attend hearings, which is his/her duty and obligation, 5 (five) times in succession without valid reasons;
 - d. violates the official oath or of office;
 - e. intentionally delays the Constitutional Court from passing a decision within the time prescribed by Article 7B paragraph (4) of the 1945 Constitution of the State of the Republic of Indonesia;
 - f. violates the prohibition of holding concurrent positions as intended in Article 17;
 - g. no longer meets the requirements for being a Constitutional Court justice; and/or
 - h. violates the Code of Ethics and Code of Conduct for Constitutional Court Justices.

- (3) The request for a dishonorable dismissal as intended in paragraph (2) sub-paragraph b, sub-paragraph c, sub-paragraph d, sub-paragraph e, sub-paragraph f, sub-paragraph g, and/or sub-paragraph h shall be made after the justice concerned has been given an opportunity to defend him/herself before the Honorary Council of the Constitutional Court.
- (4) The dismissal of a Constitutional Court justice shall be stipulated with a Presidential Decree upon request by the Chief Justice of the Constitutional Court.
- (5) The Presidential Decree as intended in paragraph (4) shall be stipulated by no later than 14 (fourteen) working days as from the date on which the President receives the request concerned for dismissal.

Article 24

- (1) A Constitutional Court justice, prior to his/her dishonorable dismissal, shall be temporarily suspended from his/her position by Presidential Decree upon the request of the Chief Justice of the Constitutional Court, except for the reasons for dismissal as intended in Article 23 paragraph (2) sub-paragraph a.
- (2) The temporary suspension as intended in paragraph (1) shall be for a period of not longer than 60 (sixty) working days and may be extended for a further period of not longer than 30 (thirty) working days.

- (3) In the event that the extension period as intended in paragraph (2) ends without being followed by a dismissal, the justice concerned shall be rehabilitated by a Presidential Decree.
- (4) The Presidential Decree as intended in paragraph (1) and paragraph (3) shall be issued by no later than 7 (seven) working days as from the time at which the request of the Chief Justice of the Constitutional Court is received.
- (5) As from the time temporary suspension is requested as intended in paragraph (1), the constitutional court justices concerned shall be prohibited from handling cases.

Article 25

- (1) In the event that an order for the detention of a Constitutional Court justice is issued, the Constitutional Court justice concerned shall be temporarily suspended from his/her position.
- (2) A Constitutional Court justice shall be temporarily suspended from his/her position if he/she is brought before a court of law for criminal proceedings as intended in Article 21 paragraph (4) of Law Number 8 Year 1981 concerning the Criminal Procedural Law, even though he/she is not detained.
- (3) The temporary suspension as intended in paragraph (1) and paragraph (2) shall be for a period not longer

than 60 (sixty) working days and may be extended for a further period of not longer than 30 (thirty) working days.

- (4) In the event that the extension period as intended in paragraph (3) ends and no court decision has been rendered, the constitutional court justice concerned shall be dismissed from his/her position as constitutional court justice.
- (5) If, at a later stage, a court decision declares that the person concerned is not guilty, the person concerned shall be rehabilitated.

Article 26

- (1) The Constitutional Court shall notify the competent institution as intended in Article 18 paragraph (1) about the Constitutional Court justice that is going to be dismissed by no later than 6 (six) months prior to the following:
 - a. entering the age as intended as intended in Article 23 paragraph (1) sub-paragraph c; or
 - b. expiration of the term of office as intended in Article 23 paragraph (1) sub-paragraph d.
- (2) By no later than 14 (fourteen) working days as from the time at which the Constitutional Court receives the Presidential Decree as intended in Article 23 paragraph (4), the Constitutional Court shall notify the competent institution as intended in Article 18 paragraph (1)

about a constitutional court justice dismissed by virtue of the provisions as intended in Article 23 paragraph (1) sub-paragraph a, sub-paragraph b, sub-paragraph e, or paragraph (2).

- (3) The competent institution as intended in paragraph (1) and paragraph (2) shall propose a replacement Constitutional Court justice to the President within 30 (thirty) working days as from the time it receives the Constitutional Court's notification.
- (4) The Presidential Decree concerning the appointment of a replacement Constitutional Court justice as intended in paragraph (1) shall be stipulated by no later than 7 (seven) working days as from the time at which the proposal is received by the President.
- (5) The replacement Constitutional Court justice as intended in paragraph (2) shall continue to implement the remaining term of office of the Constitutional Court justice he/she is replacing.⁸

Article 27

Provisions concerning the procedure for dismissal as intended in Article 23, Article 24, and Article 25 shall be further set forth by the Constitutional Court.

⁸ As from Tuesday, October 18, 2011, this paragraph has no longer binding legal force by virtue of the decision of the Constitutional Court Number 49/PUU-IX/2011.

CHAPTER IVA
CODE OF ETHICS AND CODE OF CONDUCT
FOR CONSTITUTIONAL COURT JUSTICES
AND THE HONORARY COUNCIL OF THE
CONSTITUTIONAL COURT

Article 27A

- (1) The Constitutional Court shall be required to formulate a Code of Ethics and Code of Conduct for Constitutional Court Justices comprising norms which must be adhered to by every Constitutional Court Justice in implementing his/her tasks in order to maintain integrity and an impeccable personality, be just, and as a statesman.
- (2) For the purpose of enforcing the Code of Ethics and Code of Conduct for Constitutional Court Justices as intended in paragraph (1), an Honorary Council of the Constitutional Court shall be formed, with its membership consisting of the following:
 - a. 1 (one) Constitutional Court justice;
 - b. 1 (one) member of the Judicial Commission;
 - c. 1 (one) person from the DPR elements;⁹

⁹ As from Tuesday, October 18, 2011, this paragraph has no longer binding legal force by virtue of the decision of the Constitutional Court Number 49/PUU-IX/2011.

- d. 1 (one) person from the government elements administering government affairs in the field of law; and¹⁰
 - e. 1 (one) Supreme Court justice.¹¹
- (3) In the course of implementing its tasks, the Honorary Council of the Constitutional Court shall be guided by the following:¹²
- a. The Code of Ethics and Code of Conduct for Constitutional Court Justices;
 - b. procedure for the hearing of the Honorary Council of the Constitutional Court; and
 - c. norms and laws and regulations.
- (4) The procedure for the hearing of the Honorary Council of the Constitutional Court as intended in paragraph (3) sub-paragraph b shall include the mechanism for the enforcement of the Code of Ethics and Code of Conduct for Constitutional Court Justices as well as the types of sanctions.¹³

10 As from Tuesday, October 18, 2011, this paragraph has no longer binding legal force by virtue of the decision of the Constitutional Court Number 49/PUU-IX/2011.

11 As from Tuesday, October 18, 2011, this paragraph has no longer binding legal force by virtue of the decision of the Constitutional Court Number 49/PUU-IX/2011.

12 As from Tuesday, October 18, 2011, this paragraph has no longer binding legal force by virtue of the decision of the Constitutional Court Number 49/PUU-IX/2011.

13 As from Tuesday, October 18, 2011, this paragraph has no longer binding legal force by virtue of the decision of the Constitutional Court Number 49/PUU-IX/2011.

- (5) The sanctions as intended in paragraph (4) may in the form of the following:¹⁴
 - a. written reprimand;
 - b. temporary suspension; or
 - c. dismissal.
- (6) Members of the Honorary Council of the Constitutional Court coming from among Constitutional Court justices as intended in paragraph (2) sub-paragraph a shall be stipulated by the Constitutional Court.¹⁵
- (7) Further provisions concerning the structure, organization, and the hearing proceedings of the Honorary Council of the Constitutional Court shall be set forth in a Regulation of the Constitutional Court.

Article 27B

For the purpose of maintaining and enforcing integrity and an impeccable personality, justice, and statesmanship:

- a. Constitutional Court justices shall be required to:
 1. comply with laws and regulations;
 2. attend hearings;
 3. implement properly the procedural law;
 4. adhere to the Code of Ethics and Code of Conduct for Constitutional Court Justices;

¹⁴ As from Tuesday, October 18, 2011, this paragraph has no longer binding legal force by virtue of the decision of the Constitutional Court Number 49/PUU-IX/2011.

¹⁵ As from Tuesday, October 18, 2011, this paragraph has no longer binding legal force by virtue of the decision of the Constitutional Court Number 49/PUU-IX/2011.

5. treat disputing parties in a just, non-discriminatory, and impartial manner; and
 6. pass decisions in an objective manner based on facts and the law in an accountable manner.
- b. Constitutional Court justices shall be prohibited from:
1. violating the oath/pledge of office;
 2. accepting a gift or promise from the disputing parties, either directly or indirectly; and/or
 3. issue an opinion or statement outside the hearing concerning a case currently being handled by him/her preceding a decision.

CHAPTER V PROCEDURAL LAW

Part One General

Article 28

- (1) The Constitutional Court shall examine, adjudicate, and render a decision in a plenary hearing of the Constitutional Court with 9 (nine) Constitutional Court justices, except for extraordinary circumstances with 7 (seven) Constitutional Court justices which shall be presided over by the Chief Justice of the Constitutional Court.

- (2) In the event that the Chief Justice of the Constitutional Court is unable to preside over a plenary hearing as intended in paragraph (1), the hearing shall be presided over by the Deputy Chief Justice of the Constitutional Court.
- (3) In the event that at the same time both the Chief Justice and the Deputy Chief Justice of the Constitutional Court are both unable to preside, the plenary hearing shall be presided over by an ad hoc chairperson elected from among and by Members of the Constitutional Court.
- (4) Prior to conducting a plenary hearing as intended in paragraph (1), the Constitutional Court may form a panel of justices consisting of at least 3 (three) Constitutional Court justices to conduct examination the results of which are deliberated upon in the plenary hearing to render a decision.
- (5) The decision of the Constitutional Court shall be pronounced in a hearing open to the public.
- (6) The non-fulfillment of the provision as intended in paragraph (5) shall have the consequence of the Constitutional Court's decision being invalid and having no legal force.

Part Two

The Filing of Petitions

Article 29

- (1) Petitions shall be filed with the Constitutional Court in writing in the Indonesian language by the petitioner or his/her proxy.
- (2) Petitions as intended in paragraph (1) shall be signed by the petitioner or his/her proxy in 12 (twelve) copies.

Article 30

Petitions must be made with a clear description of the following:

- a. review of a law against the 1945 Constitution of the State of the Republic of Indonesia;
- b. the dispute concerning the authorities of state institutions whose authorities are granted under the 1945 Constitution of the State of the Republic of Indonesia;
- c. the dissolution of political parties;
- d. the dispute concerning the results of general elections;
or
- e. the opinion of the DPR that the President and/or the Vice President have/has allegedly violated the law in the form of treason against the state, corruption, bribery, other serious criminal acts, or acts of misconduct, and/or no longer meet/meets the requirements as the

President and/or Vice President as intended in the 1945 Constitution of the State of the Republic of Indonesia.

Article 31

- (1) Petitions must at least indicate the following:
 - a. the petitioner's name and address;
 - b. a description of the subject matter serving as a basis for the petition as intended in Article 30; and
 - c. matters in respect of which a decision is being sought.
- (2) Petitions petition as intended in paragraph (1) accompanied by evidence supporting the same.

Part Three

Registration of Petition and Scheduling of Hearings

Article 32

- (1) The Constitutional Court's Registrar shall examine each Petition filed to check the completeness of the same as intended in Article 29 and Article 31.
- (2) In the event that a Petition is not fully completed as intended in paragraph (1), the petitioner concerned shall be given an opportunity to complete the said Petition within 7 (seven) working days as from the time at which the petitioner receives notification on the above mentioned incompleteness.
- (3) Petitions which have been duly completed as intended in paragraph (2) shall be recorded in the Registry of

Constitutional Cases and a receipt shall be given to the petitioners concerned.

- (4) In the event that a Petition is not duly completed within the time frame as intended in paragraph (2), the Constitutional Court's Registrar shall issue a deed stating that the Petition concerned has not been registered in the Registry of Constitutional Cases and shall inform the petitioner concerned accordingly while returning the Petition case file.

Article 33

The Registry of Constitutional Cases shall indicate, among other things, notes regarding the completeness of administrative requirements including case Number, the date on which the petition case files were received, the name of the petitioner, and the main issue of the case concerned.

Article 33A

- (1) Constitutional Court a copy of the Petition to the DPR and the President within 7 (seven) working days as from the time on which the Petition concerned is recorded in the Registry of Constitutional Cases.
- (2) The submission of a copy of the Petition as intended in paragraph (1) shall be proven by a receipt.

Article 34

- (1) The Constitutional Court shall determine the day of the first hearing within 14 (fourteen) working days as from the time at which the Petition concerned is recorded in the Registry of Constitutional Cases.
- (2) The petitioner, the respondent, and related parties shall be informed about the day of the hearing determined as intended in paragraph (1) and it shall be announced to the public
- (3) The announcement as intended in paragraph (2) shall be made by posting it on an announcement board provided specifically for such purpose and/or through the printed media or the electronic media.
- (4) The announcement of the determined day of hearing as intended in paragraph (2) shall have been received by the disputing parties within 5 (five) working days prior to the day of the hearing.

Article 35

- (1) The Petitioner may withdraw the Petition prior to or during the examination by the Constitutional Court.
- (1a) In the event that the petitioner withdraws the Petition as intended in paragraph (1), the Court's Registrar shall issue a Deed for the Cancellation of Petition Registration and shall notify the petitioner accordingly while returning the Petition case file.

- (2) The withdrawal as intended in paragraph (1) shall have the consequence that the Petition may not be filed again.

Article 35A

No case fee shall be charged for the Petition as intended in Article 30.

Part Four The Means of Evidence

Article 36

- (1) The means of evidence shall be as follows:
 - a. documents or writing;
 - b. witness statement;
 - c. expert statement;
 - d. statement by the parties;
 - e. indication; and
 - f. other means of evidence in the form of information uttered, received, or stored electronically by way of optical instruments or similar device.
- (2) The acquisition of means of evidence as intended in paragraph (1) sub-paragraph a, must be accountable under the law.

- (3) Means of evidence as intended in paragraph (2) acquired in a manner that cannot be accounted for under the law cannot be used as legal means of evidence.
- (4) The Constitutional Court shall determine whether or not the means of evidence are admissible in a hearing of the Constitutional Court.

Article 37

The Constitutional Court shall assess the means of evidence presented in a hearing by observing the relevance of one means of evidence against another.

Article 38

- (1) The parties, witnesses and experts shall be obligated to appear before the Constitutional Court in compliance with the summons.
- (2) A summons must reach the summoned parties at the latest 3 (three) days before the date of the hearing.
- (3) Parties which are state institutions may be represented by an appointed official or his/her proxy as provided by laws and regulations.
- (4) If a witness fails to appear without a valid reason despite several duly served summons in accordance with the law, the Constitutional Court may request police assistance to force such witness to make an appearance.

Part Five
Preliminary Examination

Article 39

- (1) Before starting to examine the main issue of the dispute, the Constitutional Court shall conduct an examination on the completeness and clarity of the substance of the petition.
- (2) In the examination as intended in paragraph (1), the Constitutional Court must advise the petitioner to complete and/or to rectify the petition within a period of no longer than 14 (fourteen) days.

Part Six
Court Hearing

Article 40

- (1) Constitutional Court hearings are open to the public, except for the deliberation sessions of the justices.
- (2) Every person attending a hearing must obey the court rules of conduct.
- (3) Provisions on court rules of conduct as intended in paragraph (2) shall be set forth by the Constitutional Court.
- (4) Violation of the provision as intended in paragraph (2) shall constitute contempt of the Constitutional Court.

Article 41

- (1) In the court hearing as intended in Article 40, Constitutional Court justices shall examine the Petition along with the means of evidence presented.
- (2) For the purpose of examination as intended in paragraph (1), Constitutional Court justices shall be obligated to summon the disputing parties to provide the statements required and/or request written statement from state institutions related to the Petition concerned.
- (3) The state institutions as intended in paragraph (2) shall be obligated to convey their respective clarifications within 7 (seven) working days as from the time they receive the above mentioned request from the Constitutional Court justices.
- (4) The court hearing as intended in paragraph (1) shall include the following:
 - a. examination of the main issue of the Petition;
 - b. examination of written evidence;
 - c. hearing the statements of the disputing parties;
 - d. hearing witness statements;
 - e. hearing expert statements;
 - f. hearing related party statements;
 - g. examination of the relevance of series of data, information, acts, conditions, and/or events to other means of evidence which may be used as indication; and

- h. examination of other means of evidence in the form of information uttered, transmitted, received, or stored electronically by means of optical instruments or similar to such means of evidence.

Article 42

The witnesses and experts summoned must make an appearance to make their statements.

Article 42A

- (1) Witnesses and experts can be presented by the disputing parties, related parties, or they can be presented by the Constitutional Court.
- (2) The witnesses and experts as intended in paragraph (1) shall give statements under oath or pledge.
- (3) The total number of witnesses and experts respectively as intended in paragraph (1) shall at least 2 (two) persons each.

Article 43

In an examination hearing, the petitioner and/or the respondent may be accompanied or represented by his/her/ its proxy based on a power of attorney specifically issued for such purpose.

Article 44

- (1) In the event that the petitioner and/or the respondent are/is accompanied by a person other than their/his/her proxy, the petitioner and/or the respondent must draw up a statement letter specifically for such purpose.
- (2) The statement letter as intended in paragraph (1) shall be presented and submitted to the Constitutional Court justices in the hearing.

Part Seven Decisions

Article 45

- (1) The Constitutional Court shall make decisions in cases by virtue of the 1945 Constitution of the State of the Republic of Indonesia in accordance with the means of evidence and the justices' firm belief.
- (2) The Constitutional Court's decision granting a petition must be based on at least 2 (two) means of evidence.
- (3) The Constitutional Court's decision must include the facts revealed in the hearing and the legal considerations underlying the decision concerned.
- (4) The decision as intended in paragraph (3) shall be made based on deliberation to reach consensus in the plenary session of Constitutional Court justices chaired by the presiding judge.

- (5) In the deliberation session, each of the Constitutional Court justices shall be required to convey in writing their reasoning or opinion concerning the petition concerned.
- (6) In the event that the plenary deliberation session of the Constitutional Court justices as intended in paragraph (4) is unable to come up with a decision, the deliberation shall be postponed until the subsequent deliberation plenary session of the Constitutional Court justices.
- (7) In the event that following serious endeavors the plenary session of deliberation fails to reach a unanimous consensus, the decision shall be made based on a majority of votes.
- (8) In the event the plenary session of the constitutional court justices' deliberation as intended in paragraph (7) fails to reach a majority vote, the chairperson of the plenary session of the Constitutional Court justices shall determine.
- (9) The Constitutional Court's decision may be rendered on the same day or postponed to another day, which should be notified to the parties concerned.
- (10) In the event that no decision is reached by unanimous consensus as intended in paragraph (7) and paragraph (8), the dissenting opinion of members of the Panel of Justices must be included in the decision concerned.

Article 45A¹⁶

The Constitutional Court's decision may not include an injunction of decision which was not requested by the petitioner or exceed the petitioner's petition, with the exception of certain matters related to the main issue of the petition concerned.

Article 46

The Constitutional Court's decision shall be signed by the justices examining, adjudicating, and passing a decision, and by the registrar.

Article 47

A decision of the Constitutional Court shall obtain permanent legal force as from the time of it is pronounced in a plenary hearing open to the public.

Article 48

- (1) The Constitutional Court shall pass its decisions In the Name of Justice based on God The Almighty.
- (2) Each of the decisions of the Constitutional Court must set forth the following:
 - a. a heading of the decision which reads: "In The Name Of Justice Based On God The Almighty";

¹⁶ As from Tuesday, October 18, 2011, this article has no longer binding legal force by virtue of the decision of the Constitutional Court Number 48/PUU-IX/2011.

- b. the identity of the parties concerned;
- c. a summary of the petition;
- d. the considerations of the facts revealed in the hearings;
- e. the legal considerations underlying the decision;
- f. the injunctions of the decision; and
- g. the day, the date of the decision, the names of the Constitutional Court justices, and the registrar.

Article 48A

- (1) The Constitutional Court shall issue a stipulation in the event of the following:
 - a. the hearing of the petition concerned does not fall under the Constitutional Court's jurisdiction; or
 - b. the petitioner withdraws the Petition as intended in Article 35 paragraph (1a).
- (2) The injunction of the stipulation as intended in paragraph (1) sub-paragraph a shall read as follows, "Stating that the Constitutional Court does not have jurisdiction to adjudicate the petitioner's petition".
- (3) the injunction of the stipulation as intended in paragraph (1) sub-paragraph b shall read as follows, "Stating that the petitioner's petition has been withdrawn".

Article 49

The Constitutional Court shall be obligated to send a copy of the decision to the parties concerned within 7 (seven) working days as from the pronouncement thereof.

Part Eight

The Review of Laws Against the Constitution

Article 50

Deleted.

Article 50A¹⁷

In conducting review of a law against the 1945 Constitution of the State of the Republic of Indonesia, the Constitutional Court shall not use another law as a basis for legal consideration.

Article 51

- (1) A petitioner shall be a party who claims that his/her/ its constitutional rights and/or competency have been impaired by the entry into force of a law, namely:

¹⁷ As from Tuesday, October 18, this article has no longer binding legal force by virtue of the decision of the Constitutional Court Number 49/PUU-IX/2011.

- a. an individual person of Indonesian nationality;
 - b. a customary law community group insofar as it is still in existence and in conformity with development in society and the principles of the Unitary State of the Republic of Indonesia as prescribed by law;
 - c. a public or a private legal entity; or
 - d. a state institution.
- (2) The petitioner shall be obligated to clearly describe the petition his/her/its constitutional rights and/or competency as intended in paragraph (1).
- (3) In the petition as intended in paragraph (2), the petitioner shall be obligated to clearly describe the following:
- a. the formulation of the law concerned does not comply with the provisions of the Year 1945 Constitution of the State of the Republic of Indonesia; and/or
 - b. the material substance of paragraph(s), article(s), and/or part(s) of the law concerned is/are considered to be contradictory to the 1945 Constitution of the State of the Republic of Indonesia.

Article 51A

- (1) A petition for the review of a law against the 1945 Constitution of the State of the Republic of Indonesia must include matters as intended in Article 31.

- (2) The description of matters constituting the basis of the petition as intended in Article 31 paragraph (1) sub-paragraph b in a case of Petition for the review of a law shall include the following:
 - a. the Constitutional Court's competence to conduct review;
 - b. the petitioner's legal standing including a description of the petitioner's constitutional rights and/or competence which are claimed to have been impaired by the entry into force of the law that is being petitioned for review; and
 - c. the reasons underlying the Petition for review as intended in Article 31 paragraph (1) sub-paragraph b shall be described clearly and in detail.
- (3) In the event that the petition for review is a petition for formal review, examination and the passing of decision by the Constitutional Court shall be based on laws and regulations providing for the procedure for the formulation of laws and regulations.
- (4) In the event that the petition for review is a petition for formal review, the matters submitted for adjudication in the petition for review as intended in Article 31 paragraph (1) sub-paragraph c shall include the following:
 - a. granting the petitioner's Petition;
 - b. stating that the formulation of the law concerned does not comply with the provisions on the

- formulation of laws based on the 1945 Constitution of the State of the Republic of Indonesia; and
- c. stating that the law concerned does not have binding legal force.
- (5) In the event that the petition for review is a petition for material review, the matters submitted for adjudication in the petition for review as intended in Article 31 paragraph (1) sub-paragraph c shall include the following:
- a. granting the petitioner's Petition;
 - b. stating that the material substance of paragraph(s), article(s), and/or part(s) of the law concerned is/are contradictory to the 1945 Constitution of the State of the Republic of Indonesia; and
 - c. stating that the material substance of the paragraph(s), article(s), and/or part(s) of the law concerned does not/do not have binding legal force.

Article 52

The Constitutional Court shall convey for information, to the DPR and to the President, petitions which have been recorded in the Registry of Constitutional Cases within 7 (seven) working days as from the time at which such petitions are recorded in the Registry of Constitutional Cases.

Article 53

The Constitutional Court shall notify the Supreme Court of petitions which involve the review of laws within 7 (seven) working days from the time at which such petitions are recorded in the Registry of Constitutional Cases.

Article 54

The Constitutional Court may request the People's Consultative Assembly (MPR), the DPR, the Regional Representatives' Council (DPD), and/or the President for information and/or minutes of meetings pertaining to the petitions being examined.

Article 55

Review of legislation under the law, which is being undertaken by the Supreme Court, must be discontinued, if the law which constitutes the basis for the review of such legislation is in the process of being reviewed by the Constitutional Court, until a decision of the Constitutional Court's is available.

Article 56

- (1) In the event that the Constitutional Court is of the opinion that the petitioner and/or the petition does not meet the requirements as intended in Article 50 and

Article 51, the injunction of the decision shall declare that the petition cannot be accepted.

- (2) In the event that the Constitutional Court is of the opinion that the petition is well-founded, the injunction of the decision shall declare that the petition is granted.
- (3) In the event that the petition is granted as intended in paragraph (2), the Constitutional Court shall expressly state the material substance of the paragraph(s), article(s) and/or part(s) of the law which are contrary to the 1945 Constitution of the State of the Republic of Indonesia.
- (4) In the event that the formulation of the relevant law does not fulfill the requirements as prescribed by the provisions on the formulation of laws based on the 1945 Constitution of the State of the Republic of Indonesia, the injunction of the decision shall declare that the petition is granted.
- (5) In the event that the relevant law is not contradictory to the 1945 Constitution of the State of the Republic of Indonesia, either in its formulation or in its substance, in part or in its entirety, the injunction of the decision concerned shall declare that the petition is rejected.

Article 57

- (1) The Constitutional Court's decision, the injunction of which declares that the material substance of the

paragraph(s), article(s) and/or part(s) of the law is/are contradictory to the 1945 Constitution of the State of the Republic of Indonesia, shall render the material substance of the said paragraph(s), article(s) and/or part(s) as having no binding legal force.

- (2) The Constitutional Court's decision, the injunction of which declares that the formulation of the relevant law does not fulfill the requirements as prescribed by the provisions on the formulation of laws based on the 1945 Constitution of the State of the Republic of Indonesia, shall render such law as having no binding legal force.
- (2a) The decision of the Constitutional Court shall not include the following:¹⁸
 - a. injunction other than the injunction as intended in paragraph (1) and paragraph (2);
 - b. order to the legislator; and
 - c. formulation of the norms as replacement for the norms in the law which is declared as being contradictory to the 1945 Constitution of the State of the Republic of Indonesia.
- (3) The decision of the Constitutional Court which grants the petitions filed must be published in the Official Gazette of the Republic of Indonesia within 30 (thirty)

¹⁸ As from Tuesday, October 18, 2011, this paragraph has no longer binding legal force by virtue of the decision of the Constitutional Court Number 48/PUU-IX/2011.

working days as from the time at which the decision is pronounced.

Article 58

Any law which is under review by the Constitutional Court shall remain valid until there is a decision declaring that the law concerned is contradictory to the 1945 Constitution of the State of the Republic of Indonesia.

Article 59

- (1) Decisions of the Constitutional Court concerning review of laws against the 1945 Constitution of the State of the Republic of Indonesia shall be conveyed to the DPR, the Regional Representatives' Council (DPD), the President, and the Supreme Court.
- (2) In the event that the law under review needs to be amended, the DPR or the President shall immediately proceed to follow up on the decision of the Constitutional Court as intended in paragraph (1) in compliance with laws and regulations.¹⁹

¹⁹ As from Tuesday, October 18, 2011, this paragraph has no longer binding legal force by virtue of the decision of the Constitutional Court Number 49/PUU-IX/2011.

Article 60

- (1) No petition may be filed again for the review of the material substance of the paragraph(s), article(s), and/or part(s) of a law which has already been reviewed.
- (2) An exception may be made to the provision as intended in paragraph (1) if the material substance of the 1945 Constitution of the State of the Republic of Indonesia used as a basis for review is different.

Part Nine

Disputes Related to the Authorities of State Institutions Whose Authorities Are Granted Under the Constitution

Article 61

- (1) The petitioner shall be a state institution whose authorities are granted under the 1945 Constitution of the State of the Republic of Indonesia which have a direct interest in the disputed authority(-ies).
- (2) The petitioner shall be obligated to describe clearly in its petition the petitioner's direct interest and to specify the authorities that are subject to the dispute concerned as well as to state clearly the state institution which constitutes the respondent.

Article 62

The Constitutional Court shall convey the petition which has been recorded in the Registry of Constitutional Cases to the respondent within 7 (seven) working days as from the time at which the petition is recorded in the Registry of Constitutional Cases.

Article 63

The Constitutional Court may issue a stipulation ordering the petitioner and/or the respondent to temporarily suspend the exercise of the authority(-ies) which is/are the subject of dispute until a decision of the Constitutional Court is available.

Article 64

- (1) In the event the Constitutional Court is of the opinion that the petitioner and/or the petition does not meet the requirements as intended in Article 61, the injunction of the decision shall declare that the petition cannot be accepted.
- (2) In the event the Constitutional Court is of the opinion that the petition is well-founded, the injunction of the decision shall declare that the petition is granted.
- (3) In the event the petition is granted as intended in paragraph (2), the Constitutional Court shall expressly declare that the respondent holds no authority to

exercise the competency which is the subject of the dispute.

- (4) In the event the petition is not well-founded, the injunction of the decision shall declare that the petition is rejected.

Article 65

Deleted.

Article 66

- (1) With regard to the decision of the Constitutional Court the injunction of which declares that the respondent holds no authority to exercise the competency which is the subject of the dispute, the respondent shall be obligated to implement the said decision within 7 (seven) working days as from the time at which the decision is received.
- (2) If the decision is not duly implemented within the timeframe as intended in paragraph (1), the respondent's exercise of the competency shall become null and void.

Article 67

Decisions of the Constitutional Court concerning disputes over authorities shall be conveyed to the DPR, the Regional Representatives' Council (DPD), and the President.

Part Ten
Dissolution of Political Parties

Article 68

- (1) The petitioner shall be the Government.
- (2) The petitioner shall be obligated to describe clearly in its petition the ideology, the principles, the objectives, the program and the activities of the political party concerned, deemed to be contradictory to the 1945 Constitution of the State of the Republic of Indonesia.

Article 69

The Constitutional Court shall convey the petition which has been recorded in the Registry of Constitutional Cases to the political party concerned within 7 (seven) working days as from the time at which the petition is recorded in the Registry of Constitutional Cases.

Article 70

- (1) In the event the Constitutional Court is of the opinion that the petition does not meet the requirements as intended in Article 68, the injunction of the decision shall declare that the petition cannot be accepted.
- (2) In the event the Constitutional Court is of the opinion that the petition is well-founded, the injunction of the decision shall declare that the petition is granted.

- (3) In the event the Constitutional Court is of the opinion that the petition is not well-founded, the injunction of the decision shall declare that the petition is rejected.

Article 71

The decision of the Constitutional Court concerning a petition for the dissolution of a political party must be passed within 60 (sixty) working days from the time at which the petition is recorded in the Registry of Constitutional Cases.

Article 72

The decision of the Constitutional Court on the dissolution of a political party shall be conveyed to the political party concerned.

Article 73

- (1) Implementation of the decision on the dissolution of a political party as intended in Article 71 shall be effected by way of annulment of its registration at the Government.
- (2) The decision of the Constitutional Court as intended in paragraph (1) shall be announced by the Government in the Official Gazette of the Republic of Indonesia within 14 (fourteen) days as from the time at which the decision is received.

Part Eleven
Disputes Concerning the Results of General Elections

Article 74

- (1) Petitioners shall be as follows:
- a. an individual person Indonesian citizen competing in the general election as candidate member to the Regional Representatives' Council (DPD);
 - b. a President and Vice President candidate pair competing in the general election for the presidency and vice-presidency; and
 - c. a political party competing in the general election.
- (2) A petition may be filed only to contest the determination of the results of the general elections conducted on a national scale by the General Elections Commission (KPU) which affect the following:
- a. the election of a candidate as member of the Regional Representatives' Council (DPD);
 - b. the determination of the pair of candidates competing in the second round of the election for presidency and vice-presidency and the pair of candidates elected to the presidency and vice-presidency;
 - c. the seats won in an electoral district by a political party competing in the general election.

- (3) An appeal may be filed within a period of 3 X 24 (three times twenty-four) hours as from the announcement by the KPU of the determination of the results of the general election nationally.

Article 75

In the petition filed, the petitioner shall describe clearly the following:

- a. the error(s) in the ballot count as announced by the KPU and the result(s) thereof which the petitioner believes to be the correct result(s); and
- b. a request for the annulment of the ballot count as announced by the KPU and for the latter to determine the result(s) of the ballot count which the petitioner believes to be the correct result(s).

Article 76

The Constitutional Court shall convey a petition which has been recorded in the Registry of Constitutional Cases to the KPU within 3 (three) working days as from the time at which the petition is recorded in the Registry of Constitutional Cases.

Article 77

- (1) In the event the Constitutional Court is of the opinion that the petitioner and/or the petition do/does not meet the requirements as intended in Article 74, the

injunction of the decision shall declare that the appeal cannot be accepted.

- (2) In the event the Constitutional Court is of the opinion that the petition is well-founded, the injunction of the decision shall declare that the appeal is granted.
- (3) In the event the petition is granted favor as intended to in paragraph (2), the Constitutional Court shall declare the annulment of the ballot count as announced by the KPU and shall determine the correct ballot count.
- (4) In the event the petition is not well-founded, the injunction of the decision shall declare that the petition is rejected.

Article 78

The decision of the Constitutional Court concerning a petition on a dispute on the results of the general election shall be rendered within a period of:

- a. 14 (fourteen) working days from the time at which the petition is recorded in the Registry of Constitutional Cases, in the case of elections for the presidency and vice-presidency;
- b. 30 (thirty) working days from the time at which the petition is recorded in the Registry of Constitutional Cases, in the case of the election of members to the DPR, the Regional Representatives' Council (DPD), and the Regional People's Legislative Assembly (DPRD).

Article 79

- (1) The decision of the Constitutional Court concerning a dispute on the results of the general election for Presidency and Vice-Presidency shall be conveyed to the following:
 - a. People's Consultative Assembly (MPR);
 - b. DPR;
 - c. Regional Representatives' Council (DPD);
 - d. President/The Government;
 - e. General Elections Commission (KPU);
 - f. the political party or a coalition of political parties proposing a candidate; and
 - g. the pair of candidates competing in the general election.
- (2) The decision of the Constitutional Court on the Dispute Concerning the Results of General Elections for members of the DPR, the Regional Representatives' Council (DPD), and the Regional People's Legislative Assembly (DPRD) shall be conveyed to the President, the petitioner, and the General Elections Commission (KPU).
- (3) The decisions of the Constitutional Court on Disputes Concerning the Results of General Elections shall be final and binding.

Part Twelve
Opinion of the DPR on the Allegation of
Violation Committed by the President and/or the Vice
President

Article 80

- (1) The petitioner shall be the DPR.
- (2) The petitioner shall be obligated to clearly describe in its petition any allegation of:
 - a. violation of the law committed by the President and/or the Vice President in the form of treason against the state, corruption, bribery, other serious criminal act, or act of misconduct; and/or
 - b. the President and/or the Vice President no longer fulfilling the requirements for President and/or Vice President by virtue of the 1945 Constitution of the State of the Republic of Indonesia.
- (3) In its petition as intended in paragraph (2), the petitioner shall be obligated to include the resolution of the DPR and the process of decision-making regarding the opinion of the DPR as intended in Article 7B paragraph (3) of the 1945 Constitution of the State of the Republic of Indonesia, the proceedings and/or the Minutes of the DPR session, together with evidence supporting the allegation as intended in paragraph (2).

Article 81

The Constitutional Court shall convey to the President the petitions which have been recorded in the Registry of Constitutional Cases within 7 (seven) working days as from the time at which the appeal is recorded in the Registry of Constitutional Cases.

Article 82

In the event that during the process of examination by the Constitutional Court, the President and/or the Vice President resigns from office, the examination process shall be discontinued and the petition concerned shall be declared null and void by the Constitutional Court.

Article 83

- (1) In the event that the Constitutional Court is of the opinion that the petition does not meet the requirements as intended in Article 80, the injunction of the decision shall declare that the petition cannot be accepted.
- (2) In the event that the Constitutional Court decides that the President and/or the Vice President are/is proven to have violated the law in the form of treason against the state, corruption, bribery, other serious criminal act, act of misconduct, and/or the President and/or the Vice President are/is proven to be no longer fulfilling the

requirements as President and/or Vice President, the injunction of the decision shall affirm the opinion of the DPR.

- (3) In the event that the Constitutional Court decides that the President and/or the Vice President are/is not proven found to have violated the law in the form of treason against the state, corruption, bribery, other serious criminal act, or act of misconduct, and/or the President and/or the Vice President are/is not proven to no longer fulfill the requirements as President and/or Vice President, the injunction of the decision shall declare that the appeal is rejected.

Article 84

The decision of the Constitutional Court on a petition concerning the opinion of the DPR on allegations of violations as intended in Article 80 must be rendered within 90 (ninety) days from the time at which the petition is recorded in the Registry of Constitutional Cases.

Article 85

The decision of the Constitutional Court on the opinion of the DPR must be conveyed to the DPR and the President and/or the Vice President.

CHAPTER VI MISCELLANEOUS PROVISIONS

Article 86

The Constitutional Court may regulate further any matters necessary for the uninterrupted implementation its duties and authorities in accordance with this Law.

CHAPTER VII TRANSITIONAL PROVISIONS

Article 87²⁰

At the time this Law comes into effect:

- a. Constitutional Court Justices currently serving as the Chief Justice or the Deputy Chief Justice of the Constitutional Court shall remain in their respective positions as the Chief Justice or Deputy Chief Justice of the Constitutional Court until the expiration of their respective terms of office based on the provisions of Law Number 24 Year 2003 concerning the Constitutional Court; and
- b. Constitutional Court justices currently serving shall continue to hold their office until they are dismissed based on the provisions of Number 24 Year 2003 concerning the Constitutional Court.

²⁰ As from Tuesday, October 18, 2011, this article has no longer binding legal force by virtue of the decision of the Constitutional Court Number 49/PUU-IX/2011.

CHAPTER VIII
CLOSING PROVISIONS

Article 88

This Law shall come into effect as of the date on which it is enacted.

For public cognizance, this Law shall be enacted by promulgating it in the State Gazette of the Republic of Indonesia.

**ELUCIDATION ON THE
LAW OF THE REPUBLIC OF INDONESIA
NUMBER 24 YEAR 2003
CONCERNING THE CONSTITUTIONAL COURT
AS AMENDED BY
LAW NUMBER 8 YEAR 2011
CONCERNING THE AMENDMENT OF LAW
NUMBER 24 YEAR 2003 CONCERNING THE
CONSTITUTIONAL COURT
IN ONE TEXT**

I. GENERAL

The 1945 Constitution of the State of the Republic of Indonesia in Article 24 affirms that judicial power is an independent power for administering a judiciary aimed at enforcing the law and upholding justice. The Constitutional Court is one of the implementers of judicial power as intended in the Year 1945 Constitution of the State of the Republic of Indonesia.

By virtue of Article 24C paragraph (1) and paragraph (2) of the 1945 Constitution of the State of the Republic of Indonesia, the Constitutional Court holds jurisdiction to review laws against the 1945 Constitution of the State of the Republic of Indonesia; to make a decision in disputes concerning the authorities of state institution whose authorities are granted under the Year 1945

Constitution of the State of the Republic of Indonesia; make a decision concerning the dissolution of political parties; make a decision in disputes concerning the results of general elections; and make a decision concerning the opinion of the DPR that the President and/or the Vice President have/has been alleged of having violated the law in the form of treason against the state, corruption, bribery, other serious criminal act, or act of misconduct, and/or no longer fulfilling the requirements as the President and/or Vice President as intended in the 1945 Constitution of the State of the Republic of Indonesia.

This Law is an amendment of Law Number 24 Year 2003 concerning the Constitutional Court. The background of the Amendment of the above mentioned Law is the fact that there are several provisions which are no longer suitable to the developments of the society's need in the field of law and in constitutional life.

There are several important material substances in the amendment of Law Number 24 Year 2003 concerning the Constitutional Court, including, among other things, the structure of the Honorary Council of the Constitutional Court; the supervision of Constitutional Court justices; the term of office of the Chief Justice and the Deputy Chief Justice of the Constitutional Court, the educational background requirements for appointment as Constitutional Court justices, as well

as the Code of Ethics and/or Code of Conduct for Constitutional Court Justices.

II. ARTICLE BY ARTICLE

Article 1

Self-explanatory.

Article 2

Self-explanatory.

Article 3

Self-explanatory.

Article 4

Self-explanatory.

Article 5

Self-explanatory.

Article 6

Paragraph (1)

Self-explanatory.

Paragraph (2)

Referred to as “guarantee security in implementing their duties” shall be the security protection afforded to Constitutional Court justices while attending and presiding over hearings. Constitutional Court justices must be provided security protection by the relevant apparatus, namely the police apparatus, in order to enable

Constitutional Court justices to examine, adjudicate, and pass a decision in cases in an adequate and appropriate manner without pressure or intervention coming from any party whatsoever.

Paragraph (3)

Referred to as “police action” shall be as follows:

- a. summons related to a criminal act;
- b. requesting statement of information concerning a criminal act;
- c. arrest;
- d. detention;
- e. search; and/or
- f. seizure.

Referred to as “special criminal act” shall be, among other things, the criminal act of corruption, the criminal act of money laundering, criminal act related to narcotics, and the criminal act of terrorism.

Article 7

Self-explanatory.

Article 7A

Self-explanatory.

Article 7B

Self-explanatory.

Article 8

Self-explanatory.

Article 9

Self-explanatory.

Article 10

Paragraph (1)

The decision of the Constitutional Court shall be final, namely the decision of the Constitutional Court shall obtain legal force immediately as from the time it is pronounced and no further legal remedies are available.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Article 11

Referred to as “statement of information” shall be all oral and written statements, including documents related to the case under examination.

Article 12

This provision is intended to ensure the Constitutional Court’s independence and credibility in managing the organization, personnel, administration, and finances in compliance with the principles of transparency and accountability.

Article 13

Paragraph (1)

Sub-Paragraph a

Self-explanatory.

Sub-Paragraph b

The obligation to provide periodic reports based on this provision does not prejudice the obligation to prepare financial reports in accordance with applicable laws and regulations.

Paragraph (2)

Self-explanatory.

Article 14

Self-explanatory.

Article 15

Paragraph (1)

Self-explanatory.

Paragraph (2)

Sub-Paragraph a

Self-explanatory.

Sub-Paragraph b

Self-explanatory.

Sub-Paragraph c

Referred to as “devout to God The Almighty” shall be practicing religious teachings.

Sub-Paragraph d

Self-explanatory.

Sub-Paragraph e
Self-explanatory.

Sub-Paragraph f
Self-explanatory.

Sub-Paragraph g
Self-explanatory.

Sub-Paragraph h
Self-explanatory.

Paragraph (3)
Self-explanatory.

Article 16

Paragraph (1)
Self-explanatory.

Paragraph (2)
The written statement intended in this provision shall also include a statement that all requirements as intended in the provision of paragraph (1) have been fulfilled and the said written statement shall be kept at the Constitutional Court.

Article 17

Sub-Article a
Other state officials shall be, for instance, members of the DPR, members of the Regional Representatives' Council (DPD), members of the Regional People's Legislative Assembly (DPRD), judges or

Supreme Court justices, ministers, and other officials as set forth in laws and regulations.

Sub-Article b

Self-explanatory.

Sub-Article c

Referred to as “entrepreneur” shall be the board of directors or the commissioner of a company.

Sub-Article d

While occupying the office of a Constitutional Court justice, a lawyer shall be prohibited from practicing his/her profession.

Sub-Article e

While occupying the office of a Constitutional Court justice, the civil servant status of the person concerned shall be temporarily suspended in accordance with laws and regulations.

Article 18

Paragraph (1)

The issuance of Presidential Decree under this provision shall be administrative in nature.

Paragraph (2)

Self-explanatory.

Article 19

Based on this provision, Constitutional Court justice candidates will be published

in the mass media, both printed as well as electronic, thus giving an opportunity to the public to provide inputs regarding the justice candidates concerned.

Article 20

Self-explanatory.

Article 21

Self-explanatory.

Article 22

Self-explanatory.

Article 23

Self-explanatory.

Article 24

Self-explanatory.

Article 25

Paragraph (1)

Self-explanatory.

Paragraph (2)

Referred to as “brought before a court of law” shall be submitting the case files concerned to the court.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Referred to as “rehabilitation” shall be the restoration of individual rights and the good

reputation of the person concerned without reinstating him/her into his/her position as Constitutional Court justice.

Article 26

Self-explanatory.

Article 27

Self-explanatory.

Article 27A

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Self-explanatory.

Paragraph (7)

The regulation of the Constitutional Court under this provision shall be made with the approval of the Honorary Council of the Constitutional Court.

Article 27B

Self-explanatory.

Article 28

Paragraph (1)

Referred to as “extraordinary circumstances” shall be demise or physical/mental disorder rendering the person concerned unable to implement his/her obligations as Constitutional Court justice.

Paragraph (2)

Referred to as “unable” shall be extraordinary circumstances as intended in the elucidation on paragraph (1).

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Self-explanatory.

Paragraph (6)

Self-explanatory.

Article 29

Self-explanatory.

Article 30

Self-explanatory.

Article 31

Self-explanatory.

Article 32

Self-explanatory.

Article 33

Self-explanatory.

Article 33A

Self-explanatory.

Article 34

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Referred to as electronic media shall be the website of the Constitutional Court.

Paragraph (4)

Self-explanatory.

Article 35

Self-explanatory.

Article 35A

Self-explanatory.

Article 36

Paragraph (1)

Sub-Paragraph a

Self-explanatory.

Sub-Paragraph b

Self-explanatory.

Sub-Paragraph c

Self-explanatory.

Sub-Paragraph d

Self-explanatory.

Sub-Paragraph e

The indication as intended in this provision may only be obtained from witness statements, documents, and means of evidence.

Sub-Paragraph f

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Article 37

The means of evidence as intended in this provision shall be indicative means of evidence.

Article 38

Self-explanatory.

Article 39

Self-explanatory.

Article 40

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Referred to as “contempt of the Constitutional Court” in this provision is known by term Contempt of Court.

Article 41

Self-explanatory.

Article 42

Self-explanatory.

Article 42A

Self-explanatory.

Article 43

Self-explanatory.

Article 44

Self-explanatory.

Article 45

Paragraph (1)

Referred to as the “Justice’s firm belief” shall be the Justice’s firm belief based on a means of evidence.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Self-explanatory.

Paragraph (4)

Self-explanatory.

Paragraph (5)

Based on this provision, there is no abstaining vote in the deliberation session for passing a decision.

Paragraph (6)

Self-explanatory.

Paragraph (7)

Self-explanatory.

Paragraph (8)

Self-explanatory.

Paragraph (9)

Self-explanatory.

Paragraph (10)

Self-explanatory.

Article 45A

Self-explanatory.

Article 46

Self-explanatory.

Article 47

Self-explanatory.

Article 48

Paragraph (1)

Self-explanatory.

Paragraph (2)

Sub-Paragraph a

Self-explanatory.

Sub-Paragraph b

Self-explanatory.

Sub-Paragraph c
Self-explanatory.

Sub-Paragraph d
Self-explanatory.

Sub-Paragraph e
The legal considerations shall indicate the legal basis underlying the decision concerned.

Sub-Paragraph f
Self-explanatory.

Sub-Paragraph g
Self-explanatory.

Article 48A

Paragraph (1)

Sub-Paragraph a
The Constitutional Court's stipulation stating that the "petition does not fall under the Constitutional Court's jurisdiction" shall be issued based on the duties and authorities and prior to commencing examination in court hearing.

Sub-Paragraph b
Referred to as "the petitioner withdraws the Petition" shall be after the Petition is already in the stage of being examined in a court hearing or after a panel session.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Self-explanatory.

Article 49
Self-explanatory.

Article 50
Referred to as “following the amendment of the 1945 Constitution of the State of the Republic of Indonesia” shall be the first amendment to the 1945 Constitution of the State of the Republic of Indonesia on October 19, 1999.

Article 50A
Self-explanatory.

Article 51
Paragraph (1)
Referred to as “constitutional rights” shall be the rights provided for under the 1945 Constitution of the State of the Republic of Indonesia.

Sub-Paragraph a
“Individual persons” shall include groups of people sharing the same interests.

Sub-Paragraph b
Self-explanatory.

Sub-Paragraph c
Self-explanatory.

Sub-Paragraph d
Self-explanatory.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Self-explanatory.

Article 51A

Paragraph (1)
Self-explanatory.

Paragraph (2)
Self-explanatory.

Paragraph (3)
Referred to as “laws and regulations” shall be, among other things, the Law concerning the Formation of Laws and Regulations, the Law concerning the People’s Consultative Assembly (MPR), the People’s Legislative Assembly (DPR), the Regional Representatives’ Council (DPD) and the Regional People’s Legislative Assembly (DPRD), as well as other relevant laws and regulations, such as the Regulation of the People’s Legislative Assembly concerning Procedures.

Paragraph (4)
Self-explanatory.

Paragraph (5)
Self-explanatory.

Article 52

Self-explanatory.

Article 53

Self-explanatory.

Article 54

Self-explanatory.

Article 55

Self-explanatory.

Article 56

Self-explanatory.

Article 57

Self-explanatory.

Article 58

Self-explanatory.

Article 59

Self-explanatory.

Article 60

Self-explanatory.

Article 61

Self-explanatory.

Article 62

Self-explanatory.

Article 63

Referred to as “exercise of the authority(-ies)” ” shall be measures, both actual as well as legal measures, constituting the implementation of authorities in dispute.

In issuing a stipulation, the Constitutional Court shall take into consideration the effects created by the exercise of the authorities in dispute.

Article 64

Self-explanatory.

Article 65

Self-explanatory.

Article 66

Self-explanatory.

Article 67

Self-explanatory.

Article 68

Paragraph (1)

Referred as “the Government” shall be the Central Government.

Paragraph (2)

Self-explanatory.

Article 69

Self-explanatory.

Article 70

Self-explanatory.

Article 71

Self-explanatory.

Article 72

Self-explanatory.

Article 73

Self-explanatory.

Article 74

Paragraph (1)

Self-explanatory.

Paragraph (2)

Referred to as the “determination of the results of the general elections general elections” shall be the total number of votes obtained by the participants of general elections.

Paragraph (3)

Self-explanatory.

Article 75

Sub-Article a

Based on this provision the petitioner shall indicate clearly the location of ballot counting and computing errors in the ballot count.

Sub-Article b

Self-explanatory.

Article 76

Self-explanatory.

Article 77

Self-explanatory.

Article 78

Self-explanatory.

Article 79

Self-explanatory.

Article 80

Paragraph (1)

Self-explanatory.

Paragraph (2)

Self-explanatory.

Paragraph (3)

Referred to as the “proceedings and/or the Minutes of the DPR session” shall be the proceedings and/or minutes of the meeting of the organs of the DPR organs as well as those of the plenary sessions of the DPR.

Article 81

Self-explanatory.

Article 82

Self-explanatory.

Article 83

Self-explanatory.

Article 84

Self-explanatory.

Article 85

Self-explanatory.

Article 86

This provision is intended to fill the potential deficiency or vacuum in procedural law under this Law.

Article 87

Self-explanatory.

Article 88

Self-explanatory.