

**EXCERPT FROM DECISION OF THE CONSTITUTIONAL COURT OF  
THE REPUBLIC OF INDONESIA**

Decision Number 15/PUU-IX/2011 Concerning Judicial Review of Law Number 2  
Year 2011 concerning the Amendment to Law Number 2 Year 2008 Concerning  
Political Parties under the 1945 Constitution of the State of the Republic of  
Indonesia

**DECISION**

**Number 15/PUU-IX/2011**

**FOR THE SAKE OF JUSTICE UNDER THE ONE ALMIGHTY GOD**

**THE CONSTITUTIONAL COURT OF  
THE REPUBLIC OF INDONESIA**

**[1.1]** Examining, hearing and deciding upon constitutional cases at the first and final levels, has passed a decision in the case of petition for Judicial Review of Law Number 2 Year 2011 concerning the Amendment to Law Number 2 Year 2008 Concerning Political Parties under the 1945 Constitution of the State of the Republic of Indonesia, filed by:

**[1.2]** 1. Name : Regional Unity Party (PPD);  
Address : Jalan Prof. Dr. Satrio C-4 Number 18,  
South Jakarta 12940;

Referred to as ----- **Petitioner I;**

2. Name : Crescent Star Party (PBB);  
Address : Jalan Raya Pasar Minggu KM 18 Number  
1B South Jakarta;  
Referred to as ----- **Petitioner II;**

3. Name : Prosperous Peace Party (PDS);  
Address : Jalan Let. Jend. S. Parman Number 6-G,  
Slipi, West Jakarta;  
Referred to as ----- **Petitioner III;**

4. Name : Democratic Renewal Party (PDP);  
Address : Jalan Tebet Barat Dalam Raya Number  
29, Jakarta 12810;  
Referred to as ----- **Petitioner IV;**

5. Name : Indonesian Workers and Employers' Party  
(PPPI);  
Address : Jalan Imam Bonjol, Number 44, Menteng,  
Central Jakarta, 10310;  
Referred to as ----- **Petitioner V;**

6. Name : Patriot Party;  
Address : Jalan Prof. Dr. Satrio C4, Number 18,  
Kuningan Jakarta 12940;  
Referred to as ----- **Petitioner VI;**

7. Name : Indonesian National Populist Fortress  
Party (PNBK Indonesia) ;  
Address : Jalan Penjernihan I, Number 50,  
Pejompongan, Central Jakarta 10210;  
Referred to as ----- **Petitioner VII;**

8. Name : Pioneers' Party;  
Address : Jalan Pegangsaan Timur; Number 17-A,  
Central Jakarta;  
Referred to as ----- **Petitioner VIII;**

9. Name : Indonesian National Party Marhaenism;  
Address : Jalan Cibulan Raya, Number 17,  
Kebayoran Baru, South Jakarta 12170;  
Referred to as ----- **Petitioner IX;**

10. Name : New Indonesia Party of Struggle;  
Address : Jalan Wolter Monginsidi, Number 84-AE,  
Kebayoran Baru, South Jakarta;  
Referred to as ----- **Petitioner X;**

11. Name : Indonesian Democratic Vanguard Party  
(PPDI);  
Address : Jalan Let. Jend. Soeprapto Number 22F,  
Cempaka Putih, Central Jakarta;

Referred to as ----- **Petitioner XI;**

**12.** Name : Concern for the Nation Functional Party  
(PKPB);

Address : Jalan Cimandiri Number 30, Cikini,  
Menteng, Central Jakarta;

Referred to as ----- **Petitioner XII;**

**13.** Name : Freedom Party;

Address : Jalan Mampang Prapatan XII, Number 6,  
South Jakarta, 12790;

Referred to as ----- **Petitioner XIII;**

**14.** Name : Prosperous Indonesia Party (PIS);

Address : Wisma Fajar Blok C, Lantai VI, Number  
52, Jalan Pintu Satu-Gelora Bung Karno,  
Senayan, South Jakarta;

Referred to as ----- **Petitioner XIV;**

By virtue of Special Power of Attorney dated December 23, 2010, Special Power of Attorney dated January 14, 2011, Special Power of Attorney dated January 17, 2011, Special Power of Attorney Number 230/DPP/2/1432, dated January 17, 2011, and Special Power of Attorney Number 51/SK-DPP/PP/1-11, dated January 17, 2011, having authorized H. Suhardi Somomoeljono, S.H., Bambang Suroso, S.H., M.H., Didi Supriyanto, S.H., M.H.,

Ratna Ester L. Tobing, S.H., M.M., Eben Ezer Naibaho, S.H., M.Hum., Citra Ramadhana Prayitno, S.H., Jefri Palijama, S.H., Romolus Sihombing, S.H., N. Horas Siagian, SH., Roder Nababan, S.H., Irma, S.H., Makmun Halim, S.H., D. Parlin Sitorus, S.H., M.S., Yunico Syahrir, S.H., Hendrik Assa, S.H., Astro Girsang, S.H., Syamsunar, S.H., Rolas Sitindjak, S.H., Widjanarko, S.H., Abdurrahman Tardjo, S.H., Panhar Makowi, S.H., Wetmen Sinaga, S.H., M.Kum., Ir. Togar M. Nero Simanjuntak, S.H., Hulman Panjaitan, S.H., M.H., Davy Helkiah, S.H., Stefanus Roy Rening, S.H., M.H., M. Jaya Butar-Butar, S.H., M.H., Firma Uli Silalahi, S.H., Mikael Marut, S.H., Viani Octavianus, S.H., Roni Hutajulu, S.H., Effendi Simanjuntak, S.H., Michael Wangge, S.H., Noorsyam S. Noor, S.H., S.E., M.M. and Jeanne T. Poegoeh, S.H., all of whom are advocates and Legal Counsels united in the Advocacy Team of National Unity Forum, having its address at Jalan Prof. DR. Satrio C-4 Number 18, Casablanca, South Jakarta, acting both jointly and severally for and on behalf of the authorized;

Hereinafter referred to as ----- **the Petitioners;**

**[1.3]** Having read the petition of the Petitioners;

Having heard the statement of the Petitioners;

Having examined the evidence of the Petitioners;

Having heard the statements of the experts of the Petitioners;

Having heard and read the written statement of the Government;

Having read the written statement of the People's Legislative Assembly;

Having read the written conclusion of the Petitioners;

## **2. FACTS OF THE CASE**

And so forth

## **3. LEGAL CONSIDERATIONS**

**[3.1]** Whereas the purpose and objective of the petition *a quo* are to review Article 51 paragraph (1) of Law Number 2 Year 2011 concerning the Amendment to Law Number 2 Year 2008 concerning Political Parties (State Gazette of the Republic of Indonesia Year 2011 Number 8, Supplement to the State Gazette of the Republic of Indonesia Number 5189), hereinafter referred to as Law 2/2011, under the 1945 Constitution of the State of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution);

**[3.2]** Whereas before considering the substance of the petition, the Constitutional Court (hereinafter referred to as the Court) will first consider:

- a. The Court's Authority to examine, hear and decide upon the petition *a quo*;
- b. The Legal Standing of the Petitioners to file the petition *a quo*;

### **Court Authority**

**[3.3]** Whereas based on Article 24C paragraph (1) of the 1945 Constitution and Article 10 paragraph (1) sub-paragraph a of the Constitutional Court Law, as well

as Article 29 paragraph (1) sub-paragraph a of 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, hereinafter referred to as Law 48/2009), one of the authorities of the constitutional Court is to hear at the first and final levels, the decision of which shall be final to review Laws against the Constitution;

**[3.4]** Whereas the petition of the Petitioners is to review the constitutionality of norm of Article 51 paragraph (1) of Law 2/2011 under the 1945 Constitution, constituting one of the authorities of the Court, therefore the Constitution is authorized to examine, hear and decide upon the petition *a quo*;

#### **Legal Standing of the Petitioners**

**[3.5]** Whereas based on Article 51 paragraph (1) of the Constitutional Law as well as its Elucidation, the parties that can file a petition for judicial review of a Law under the 1945 Constitution shall be those who believe that their constitutional rights and/or authorities granted by the 1945 Constitution have been impaired by the coming into effect of a Law, namely:

- a. individual Indonesia citizens (including group of people having a common interest);
- b. customary law community groups insofar as they are still in existence and in accordance with the development of the community and the principle of the Unitary State of the Republic of Indonesia regulated in Law;
- c. public of private legal entities; or

- d. state institutions;

Therefore, in the Judicial review under the 1945 Constitution, the Petitioners must first explain and prove the followings:

- a. their legal standing as Petitioners as intended in Article 51 paragraph (1) of the Constitutional Court Law;
- b. the impairment of constitutional rights and/or authorities granted by the 1945 Constitution caused by the coming into effect of the Law petitioned for judicial review;

**[3.6]** Whereas following Decision of the Constitutional Court Number 006/PUU-III/2005, dated May 31, 2005 and Decision of the Constitutional Court Number 11/PUU-V/2007, dated September 20, 2007, as well as the subsequent decisions, the Court is of an opinion that the impairment of constitutional rights and/or authorities as intended in Article 51 paragraph (1) of the Constitutional Court Law must meet five requirements, namely:

- a. the existence of constitutional rights and/or authority of the Petitioners granted by the 1945 Constitution;
- b. the Petitioners believe that such constitutional rights and/or authority have been impaired by the coming into effect of the law petitioned for review;
- c. the impairment of such constitutional rights and/or authority must be specific and actual or at least potential in nature which, pursuant to logical reasoning, can be assured of occurring;
- d. there is a causal relationship (*causal verband*) between the impairment of



constitutional rights and/or authority of the Petitioners and the law petitioned for review;

- e. it is likely that with the granting of the Petitioners' petition, the impairment of such constitutional rights and/or authority argued by the Petitioners will not or will no longer occur;

**[3.7]** Whereas the Petitioners which are political parties which have legally become legal entities by virtue of Law Number 2 Year 2008 concerning Political Parties (hereinafter referred to as Law 2/2008) and which have participated in the General Election held in 2009, substantially argue that they have constitutional rights regulated in the 1945 Constitution, namely

Article 28: *"The freedom of association and assembly, the freedom of expression of thought, both orally and in written form and the like shall be determined by law"*.

Article 28C paragraph (2): *"Every person shall have the right to improve him/herself in striving for his/her rights collectively for building his/her society, nation, and state"*.

Article 28D paragraph (1): *"Every person shall have the right to the recognition, the guarantee, the protection and the legal certainty of just laws as well as equal treatment before the law"*.

According to the Petitioners, the constitutional rights have been impaired due to the coming into effect of the provisions of Article 51 paragraph (1) of Law 2/2011 which reads as follows:

*"The existence of a political party which has been confirmed as a legal*

*entity based on Law Number 2 Year 2008 concerning Political Parties shall remain acknowledged with the obligation to make adjustments according to this law by undergoing verification”.*

**[3.8]** Whereas according to the Petitioners, based on the provisions of the article *a quo*, the phrase *”with the obligation to make adjustment according to this law by undergoing verification”*, severely impairs the Petitioners for reasons substantially as follows:

Whereas the Petitioners are threatened to be unable to perform their role and function as political parties, one of them being the agenda to participate in the democracy festival of the 2014 General Election as the implementation of people's sovereignty, because as a legal consequence of a political party for failing/not passing the verification process, they do not have constitutional rights to become participants in the General Election, although they are legal and incorporated political parties;

Whereas the phrase *a quo* has limited the process of the Petitioners as legal and legal entities-incorporated parties because the Petitioners are still required to make adjustments to the new Law (Law 2/2011), namely that they will be re-verified based on the new requirements;

Whereas the phrase *a quo* has seized the constitutional rights of the Petitioners, namely the freedom to conduct activities in anticipating and preparing themselves to participate in the 2014 General Election;

Whereas the function of a political party as a facilitator for promoting and striving for its right collectively in developing its community, nation and state

becomes impeded because the Petitioners are repressed by the phrase *"with the obligation to make adjustment according to this law by undergoing verification"*, [vide Article 51 paragraph (1) of Law 2/2011];

**[3.9]** Whereas based on the aforementioned arguments of the Petitioners, according to the Court, the Petitioners, in the petition *a quo*, meet the qualification as legal entities whose constitutional rights may be impaired by the coming into effect of Article 51 paragraph (1) of Law 2/2011. Therefore, the Petitioners have legal standing for filing the petition *a quo*;

**[3.10]** Whereas since the Court has authority to examine, hear and decide upon the petition *a quo* and the Petitioners have legal standing, the Court will consider the substance of the petition;

### **Opinion of the Court**

#### **Substance of the Petition**

**[3.11]** Whereas the Petitioners argue that Article 51 paragraph (1) of Law 2/2011 is inconsistent with Article 28, Article 28C paragraph (2) and Article 28D paragraph (1) of the 1945 Constitution. The Petitioners substantially argue that the existence of provisions set out in Article 51 paragraph (1) of Law 2/2011 has impaired the constitutional rights of the Petitioners, as political parties with legal entity status since they have followed the procedures for establishing a political party as required by the provisions of the previous applicable Law. The constitutional impairment is caused by the existence of new provisions requiring

the Petitioners to participate in the verification by no later than two and half years before the day of the 2014 general election voting. The obligation of verification requirement is determined in Article 51 paragraphs (1a), (1b) and (1c) of Law 2/2008 as amended by Law 2 /2011;

**[3.12]** Whereas according to the Petitioners, the provisions have created injustice, non-benefit and legal uncertainty to the Petitioners. Article 51 paragraph (1) of Law 2/2011 is contrary to the positive values of the main purpose of amendment to an old Law becoming a new Law and is also contrary to human rights, values of the freedom of association and assembly as well as the freedom of expression. Whereas the idea for the need to reduce the number of political parties, according to the Petitioners, may not be contrary to the mandate of Article 1 paragraph (2) of the 1945 Constitution, namely that sovereignty is in the people's hand, thus the hidden intention and effort as well as design masked in the name of the people, and the pattern of utilizing the law as a means of power are contrary to the philosophy of actual implementation of democracy. Whereas according to the Petitioners, the verification process as determined in Article 51 paragraph (1) of Law 2/2011 has a legal consequence for the Petitioners not having constitutional rights to become participants of the general election if they do not pass the verification process although the Petitioners have been legally incorporated as legal entities.

Whereas according to the Petitioners, the meaning of the phrase “the existence ... shall remain acknowledged with the obligation to make adjustment according to this Law by undergoing verification” is unclear and thus it may

impair the Petitioners.

**[3.13]** Whereas with respect to the arguments of the Petitioners, the Court needs to present considerations as follows:

Article 51 paragraph (1) of Law 2/2008, before amended by Law 2/2011, states that the existence of a Political Party which has been confirmed as a legal entity based on Law Number 31 Year 2002 concerning Political Parties shall remain acknowledged.

Article 41 of Law 2/2008 is not amended by Law 2/2011, namely that a Political Party shall dissolve in the event that it: (a) dissolves itself on its own decision, (b) merges with another political party and (c) is dissolved by the Constitutional Court.

Article 8 paragraph (2) of Law Number 10 Year 2008 concerning General Election of the Members of the People's Legislative Assembly, Regional Representative Assembly and Regional People's Legislative Assembly (hereinafter referred to as Law 10/2008) states that "a General Election-participant Political Party in the previous General Election may become a General Election-participant in the following General Election". At the time of its promulgation, Law 10/2008 was not intended to be applicable only to the 2009 General Election, but it is intended as a Law applicable to the following general elections, as evidenced by the non-existence of any article in Law 10/2008 stating that the Law *a quo* is applicable only to the 2009 general election. It does not mean that the Law cannot be amended if Law-makers consider it necessary to make an amendment.

Article 315 of Law 10/2008 states, “*A Political Party Participating in the 2004 General Election receiving at least 3% (three percent) of the number of seats in the People's Legislative Assembly or receiving at least 4% (four percent) of the number of seats in the Regional People's Legislative Assembly of the provinces spread in at least ½ (half) the number of provinces throughout Indonesia, or receiving at least 4% (four percent) of the number of seats in the Regional People's Legislative Assembly of the regencies/cities spread in at least ½ (half) the number of regencies/cities throughout Indonesia, shall be stipulated as a General Election-Participant Political Party after the 2004 General Election*”. Whereas this Article is not related to the dissolution of a political party, instead it is related to the determination of requirements for a political party to be able to participate in the 2009 General Election.

The political parties not meeting the requirements of Article 315 of Law 10/2008 are also not dissolved, instead an opportunity is still open for those political parties to participate in the 2009 general election by ways as referred to in Article 316 sub-articles a, b and c of Law 10/2008.

If there is any political party not meeting the requirements of Article 315 of Law 10/2008 and not conducting a merger as intended in Article 316 sub-articles a, b and c of Law 10/2008, the regulation in Article 316 sub-article e of Law 10/2008 still open the opportunity for the political party to be able to participate in the 2009 General Election with the requirements as set forth in Article 316 sub-article e of Law 10/2008 namely, meeting the

verification requirements by the General Election Commission (KPU) to become a General Election-Participant Political Party as determined in Law 10/2008. In Article 8 of Law 10/2008, the requirements for a Political Party to be able to participate in the General Elections are determined as follows, namely:

it has the status of legal entity in accordance with the Law concerning  
Political Parties;

it has management in 2/3 (two-thirds) of the number of provinces;

it has management in 2/3 (two-thirds) of the number of regencies/cities in  
the relevant provinces;

it involves at least 30% (thirty percent) of woman representativeness in the  
political party's central management;

it has members at least 1,000 (one thousand) people or 1/1,000 (one per  
mile) of the number of residents in each political party's  
management as intended in points b and c evidenced by the  
ownership of membership identity cards;

it has a permanent office for management as intended in points b and c;

and

it submits the political party name and symbol to the General Election  
Commission.

**[3.14]** Whereas based on the foregoing, it is clear that according to Law 2/2008, there is no other political party dissolution other than the one mentioned in Article 41 of such Law and Law 10/2008 also does not recognize political party

dissolution, but it recognizes merger of political parties as referred to in Article 316 sub-articles a, b and c of Law 10/2008, if a political party intends to participate in the 2009 general election. Whereas a political party not meeting the requirements as set forth in Article 315 of Law 10/2008, or which does not take any path as determined in Article 316 of Law 10/2008, both Law 2/2008 and Law 10/2008, does not end or dissolve its status as a legal entity, which means that the status of the political party as a legal entity is still acknowledged.

The Court is of the opinion that the organization of status of legal entity of political parties, by both Law 2/2008 and Law 10/2008, has been true and correct. Since the political party is still acknowledged as having the status of legal entity, the status of legal entity must still receive constitutional protection under Article 28C paragraph (2), Article 28D paragraph (1) and Article 28E paragraph (3) of the 1945 Constitution.

The Court is shared the opinion of the Petitioners that the meaning of the phrase "*the existence ... shall remain acknowledged with the obligation to make adjustment according to this law by undergoing verification*" set out in Article 51 paragraph (1) of Law 2/2011 is unclear. The word "existence" in the Article *a quo* raises a question whether it relates to the existence of a political party as a legal entity. The phrase "obligation ... by undergoing verification" has a legal consequence to the existence of the Petitioners as legal entity-incorporated political parties, namely whether the results of the verification may directly affect the existence of political parties, in this case the Petitioners. It means that as political parties, the Petitioners will lose their status of legal entity for not passing



the verification. The Court is of the opinion that it will violate the legal certainty of the Petitioners, the existence of which as incorporated legal entities has been previously guaranteed by Law. Law-makers should differentiate between the procedure for forming or establishing a political party and the regulation on the requirements imposed on a political party so that a political party may participate in a general election, as well as the provision regulating the People's Legislative Assembly institution. The procedure for forming or establishing a political party is a procedure which must be followed by citizens intending to establish a political party, thus the established political party has the status of legal entity. The requirements for a political party to be able to participate in a general election is the requirements determined by an separate Law so that the legal entity-incorporated political party may become a participant in a general election in order to place its representatives in the representative institution which must be obtained through a general election. The provision regulating the People's Legislative Assembly institution is also regulated in a separate Law which regulates, among other things, organizational structure, membership, code of conduct and decision-making mechanism, etc. The Court is of the opinion that the provisions set out in Article 51 paragraph (1) of Law 2/2011 mix up the three matters.

According to the Court, the status as a legal entity owned by a political party must receive constitutional protection. The protection given by Law 2/2008 and Law 10/2008 for the status of legal entity of a political party has been removed by Article 51 paragraph (1) of Law 2/2011. In the system of the 1945

Constitution, political parties have a critical function because the 1945 Constitution explicitly grants constitutional rights to political parties [*vide* Article 6A paragraph (2), Article 8 paragraph (3) and Article 22E paragraph (3) of the 1945 Constitution]. Therefore, political parties become not only the infrastructure of democracy but they have also become a part of the mechanism of democracy determined in the 1945 Constitution. Therefore, political parties must receive legal certainty in order to ensure their constitutional rights including the Petitioners as political parties having the status as legal entities. In the 1945 Constitution, it is stated that the President and Vice President shall be nominated by political parties or a coalition of political parties. Similarly, according to the 1945 Constitution, the participants of a general election for members of the People's Legislative Assembly shall be political parties meeting the requirements determined by Law. Based on the provisions of Article 20 paragraph (2) of the 1945 Constitution, Laws shall be drafted upon joint approval of the President and People's Legislative Assembly, thereby the great extent of political parties' role in the state administration system of the 1945 Constitutional becomes clear. Such important role can only be performed by good political party's cadres resulting from education of the relevant political party. A political party certainly needs a long time and process for educating political cadres and it can be possible only if there is any assurance of its sustainable existence. A political party which fails to position its representatives in the representative institution does not immediately lose its status as a legal entity and still has the constitutional rights to participate in the following general election by meeting the determined requirements. If a

political party does not participate in the following general election, it does not make the political party loses its status as a legal entity and the political party may make a more careful preparation for participating in a General Election or educating its cadres. The right of association, assembly and expression of thought possessed by the members of a political party will thereby remain guaranteed. By the guaranteed existence of a legal entity- incorporated political party which fails to place its representatives in the representative institution in a period of general election, the season for the establishment of political parties before any General Election will be also prevented;

**[3.15]** Whereas based on the aforementioned description, the Court is of the opinion that Article 51 paragraph (1) of Law 2/2011 violates the constitutional rights of the Petitioners guaranteed by the 1945 Constitution and therefore, the Article *a quo* is inconsistent with the 1945 Constitution. By declaring Article 51 paragraph (1) of Law 2/2011 inconsistent with the 1945 Constitution with the consequence of not having binding legal force, there will be a direct consequence for Article 51 paragraph (1a), namely irrelevance of the phrase "*Political Party Verification as intended in paragraph (1)*" and Article 51 paragraph (1b) stating that, "*In the event that a Political Party as intended in paragraph (1) does not meet the verification requirements, the existence of such political party shall remain acknowledged until the inauguration of members of People's Legislative Assembly, Provincial People's Legislative Assembly, and Regency/Municipal People's Legislative Assembly elected in the 2014 General Election*", as well as Article 51 paragraph (1c) stating that, "*The members of*

*People's Legislative Assembly, Provincial People's Legislative Assembly, and Regency/Municipal People's Legislative Assembly from the political party as intended in paragraph (1b) shall remain acknowledged as members of People's Legislative Assembly, Provincial People's Legislative Assembly, and Regency/Municipal People's Legislative Assembly until the end of their term of office”, and thus the provisions shall be no longer needed;*

**[3.16]** Whereas based on all the legal considerations described above, the Court is of the opinion that the arguments of the Petitioners' petition have legal basis;

#### **4. CONCLUSION**

Based on the evaluation of the facts and laws described above, the Court is of the opinion that:

**[4.1]** The Court has authority to examine, hear and decide upon the petition *a quo*;

**[4.2]** The Petitioners have legal standing to file the petition *a quo*;

**[4.3]** The Petitioner's petition has legal basis;

Based on the Constitution of the State of the Republic of Indonesia Year 1945 and 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), as well as 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).

## **5. ORDERS OF DECISION**

Passing the decision,

Declaring:

To grant the Petitioners' petition;

Article 51 paragraph (1), Article 51 paragraph (1a) along the phrase "Political Party Verification as intended in paragraph (1)", Article 51 paragraph (1b) and Article 51 paragraph (1c) of Law Number 2 Year 2011 concerning Amendment to Law Number 2 Year 2008 concerning Political Parties (State Gazette of the Republic of Indonesia Year 2011 Number 8, Supplement to the State Gazette of the Republic of Indonesia Number 5189) inconsistent with the Constitution of the State of the Republic of Indonesia Year 1945;

Article 51 paragraph (1), Article 51 paragraph (1a) to the extent of the phrase "Political Party Verification as intended in paragraph (1)", Article 51 paragraph (1b) and Article 51 paragraph (1c) of Law Number 2 Year 2011 concerning Amendment to Law Number 2 Year 2008 concerning Political Parties (State Gazette of the Republic of Indonesia Year 2011 Number 8, Supplement to the State Gazette of the Republic of Indonesia Number 5189) without any binding legal force;

To order the publication of this decision properly in the Official Gazette of the

Republic of Indonesia by no later than 30 business days as of the pronouncement of this decision.

In witness whereof, this decision was made in the Consultative Meeting of Justices by nine Constitutional Court Justices, namely Moh. Mahfud MD., as the Chairperson and concurrent Member, Achmad Sodiki, Muhammad Alim, Harjono, Maria Farida Indrati, Ahmad Fadlil Sumadi, Anwar Usman, Hamdan Zoelva and M. Akil Mochtar, respectively as Members, on Thursday, the thirtieth of June two thousand and eleven, and was pronounced a Plenary Meeting open to the public on Monday, the fourth of July two thousand and eleven by nine Constitutional Court Justices, namely Moh. Mahfud MD., as the Chairperson and concurrent Member, Achmad Sodiki, Muhammad Alim, Harjono, Maria Farida Indrati, Ahmad Fadlil Sumadi, Anwar Usman, Hamdan Zoelva and M. Akil Mochtar, respectively as Members, assisted by Saiful Anwar as Substitute Registrar, and in the presence of the Petitioners/their Attorney, the Government or its representative and People's Legislative Assembly or its representative.

**CHAIRPERSON,**

**Sgd.**

**Moh. Mahfud MD.**

**MEMBERS,**

**Achmad Sodiki,**

**Muhammad Alim,**

**Harjono,**  
**Maria Farida Indrati,**  
**Ahmad Fadlil Sumadi,**  
**Anwar Usman,**  
**Hamdan Zoelva,**  
**M. Akil Mochtar**

**SUBSTITUTE REGISTRAR,**

**Sgd.**

**Saiful Anwar**

The Copy of this Decision is valid and in accordance with the original published to the public based on Article 14 of Law Number 24 Year 2003 regarding the Constitutional Court.

Jakarta, July 4, 2011

Registrar,



**Kasianur Sidauruk**

Complete decision can be seen in the site [www.mahkamahkonstitusi.go.id](http://www.mahkamahkonstitusi.go.id) or can be obtained free of charge at the Secretariat General and Registry Office of the Constitutional Court, Jl. Medan Merdeka Barat No. 6 Central Jakarta, Tel. (021) 23529000