

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

Decision number 8/PUU-VIII/2010 regarding Judicial Review of Law Number 6  
Year 1954 regarding the Stipulation of the right to Inquiry of the People's  
Legislative Assembly with respect to the Constitution of the State of the Republic  
of Indonesia Year 1945

**DECISION**

**Number 8/PUU-VIII/2010**

**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 on the case of Petition for Judicial Review of Law Number 6 Year 1954 regarding the Stipulation of the right to inquiry of the People's Legislative Assembly under the Constitution of the State of the Republic of Indonesia Year 1945, filed by:

**[1.2]** 1. Name : **Dr. Bambang  
Supriyanto, S.H.MH;**  
Place, Date of Birth : Kebumen,  
September 27, 1947;

Address : Jalan Jati Indah I Number 12,  
Perumahan Jati Indah Pangkalan Jati,  
Cinere Depok 16514;

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

2. Name : **Aryanti Artisari, S.H., M.Kn;**  
Place, Date of Birth : Jakarta, December 20, 1981;  
Address : Bukit Golf Utama PB 2 Jakarta Selatan  
12310;

Referred to as ----- **Petitioner II;**

3. Name : **Jose Dima Satria, S.H. M.Kn;**  
Place, Date of Birth : Semarang, April 14, 1980;  
Place, Date of Birth : Jalan Merpati Raya Gang Sawo Lily  
House Number 9 Ciputat, Tangerang  
Regency;

Referred to as ----- **Petitioner III;**

4. Name : **Aristya Agung  
Setiawan, S.H., M.Kn;**  
Place, Date of Birth : Jakarta, December 26, 1977;  
Place, Date of Birth : Bukit Golf Utama PB 2 South Jakarta  
12310;

Referred to as ----- **Petitioner IV;**

The aforementioned Petitioners shall hereinafter be referred to as **the Petitioners**;

[1.3] Having read the petition of the Petitioners;

Having heard the statements 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 conclusion of the Petitioners;

Having examined the evidence submitted by the Petitioners;

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

and so on

## **3. LEGAL CONSIDERATIONS**

[3.1] Whereas the purpose and objective of the petition of the Petitioners are concerned with judicial review of Law Number 6 Year 1954 regarding the Stipulation of the right to inquiry (State Gazette of the Republic of Indonesia Year 1954 Number 19, Supplement to the State Gazette of the Republic of Indonesia Number 518, hereinafter referred to as Law 6/1954) under the Constitution of the State of the Republic of Indonesia Year 1945 (hereinafter referred to as the 1945 Constitution);

**[3.2]** Whereas prior to considering the Substance of the Petition, the Constitutional Court (hereinafter referred to as the Court) shall first consider the following matters:

- a. authority of the Court to examine, hear and decide upon the petition *a quo*;
- b. legal standing of the Petitioners;

### **Authority of the Court**

**[3.3]** Whereas in accordance with Article 24C paragraph (1) of the 1945 Constitution which is reasserted in Article 10 paragraph (1) of Law Number 24 Year 2003 regarding 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, hereinafter referred to as the Constitutional Court Law) *juncto* Article 29 paragraph (1) sub-paragraph a of Law Number 48 Year 2009 regarding 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), one of the constitutional authorities of the Court shall be to review Laws under the Constitution;

**[3.4]** Whereas the petition of the Petitioners shall be for judicial review of Law Number 6 Year 1954 regarding the Stipulation of the right to Inquiry under the 1945 Constitution. According to Decision of the Court Number 066/PUU-II/2004 dated April 12 2005, the Court in its orders principally states that Article 50 of the Constitutional Court Law is inconsistent with the 1945 Constitution, so that with reference to the decision *a quo*, the Court shall have authority to examine, hear

and decide upon the petition *a quo*;

### **Legal Standing of the Petitioner**

**[3.5]** Whereas pursuant to Article 51 paragraph (1) of the Constitutional Court Law, the parties that may act as petitioners in a judicial review of Law under the 1945 Constitution shall be the parties considering that their constitutional rights and/or authority is/are impaired by the coming into effect of the Law petitioned for review, namely:

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

Accordingly, the Petitioners in the judicial of Law under the 1945 Constitution must first explain and evidence:

- a. Their position as Petitioners as intended in Article 51 paragraph (1) of the Constitutional Court Law;
- b. Whether or not the constitutional rights and/or authority granted by the 1945 Constitution have been impaired by coming into effect of the Law petitioned for review;

The Petitioners in the petition *a quo* are respectively shall:

1. Petitioner I, Dr. Bambang Supriyanto, S.H., M.Kn., Indonesia citizen, sympathizer of Democratic Party (*Partai Demokrat*) and sympathizer of President Susilo Bambang Yudhoyono;
2. Petitioner II, Aryani Artisari, S.H., M.Kn., Indonesia citizen, member of Democratic Party;
3. Petitioner III, Jose Dima Satria, S.H., M.Kn., Indonesia citizen, sympathizer of Democratic Party (*Partai Demokrat*) and sympathizer of President Susilo Bambang Yudhoyono;
4. Petitioner IV, Aristya Agung Setiawan, S.H., M.Kn., Indonesia citizen, sympathizer of Democratic Party (*Partai Demokrat*) and sympathizer of President Susilo Bambang Yudhoyono;

Accordingly, the Petitioners are Indonesian citizens who pursuant to Article 51 paragraph (1) of the Constitutional Court Law may file a petition for review of Law under the 1945 Constitution;

**[3.6]** Whereas in addition to Petitioners being required to meet the qualification as mentioned above, the Petitioners are also obligated to clearly describe their constitutional rights and/or authority impaired by the coming into effect of the Law. Following Decision Number 006/PUU-III/ 2005 dated May 31 2005 and Decision Number 11/PUU-V/2007 dated September 20 2007, as well as the subsequent decisions, the Court is of the opinion that the impairment of constitutional rights and/or authority as intended in Article 51 paragraph (1) of the Constitutional Court Law shall 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 aforementioned five requirements are implemented by the Court in the decisions to conduct substantive review of Laws under the 1945 Constitution, while the petition *a quo* is for formal review. Even though in the petition *a quo* the Petitioners state that they petition for substantive review of Law 6/1954, however if observed in the arguments of the petition, the Petitioners have questioned the legality and legal basis of Law 6/1954 formulated under the Provisional Constitution of the Republic of Indonesia (hereinafter referred to as the 1950 Provisional Constitution). Therefore, according to the Court, the petition *a quo* of the Petitioners is the petition for substantive review as well as the petition for formal review of Law 6/1945 under the 1945 Constitution. The Court

in its decision Number 27/PUU-VII/2009 dated June 16 2010, has differentiated the standards of legal interest and standing of the Petitioners in substantive and formal reviews;

In a substantive review, it is stated that the constitutional impairment of the Petitioners has occurred as a consequence of the formulation of norm substance of a Law. Meanwhile, in a formal review it is stated that the impairment of the Petitioners has occurred due to the non-performance of the mandate of the people's representatives in a fair, honest and responsible manner in making decisions to formulate a Law or other policies. Article 1 paragraph (2) of the 1945 Constitution states that sovereignty shall be in people's hand and shall be performed pursuant to the 1945 Constitution, so that the power to formulate the 1945 Constitution is a reflection of sovereignty and the formulation of Law is closely related to the sovereignty possessed by the people. Even though the community has direct interest in whether or not a Law is valid, in order to ensure legal certainty in a constitutional state system, limitation needs to be made, namely that any member of the community may not instantly file a petition for formal review of a Law to the 1945 Constitution. It is pursuant to the principle in a judiciary stating that only the parties with interest shall have the right to file a petition to the court. Formal review of law has different characteristics compared to substantive review of law, so that the criteria for granting legal standing to the Petitioners must also be differentiated. The use of legal standing criteria for a substantive review in a formal review will result in the entry of the Court into a substantive review, whereas both types of review are different;



The Court in decision Number 27/PUU-VII/2009, on June 16 2010, has stipulated legal standing in formal review of Law, namely the presence of direct relationship between the Petitioners and the Law petitioned for review. However, the aforementioned direct relationship in formal review is not as tight as the requirements of the availability of interest in substantive review, since the application of the requirements of interest in the aforementioned substantive review in a formal review will disallow Indonesian citizens as legal subjects to petition for formal review. In a concrete case filed by the Petitioners, it needs to be measured whether there is a direct relationship between the Petitioners and the Law petitioned for formal review;

Whereas in connection with the petition *a quo*, Petitioner I and Petitioner III who are individual Indonesian Citizens, sympathizers of Democratic Party and sympathizers of President Dr. H. Susilo Bambang Yudhoyono as well as Petitioner II who is an individual Indonesian Citizen, a member of Democratic Party, consider that their constitutional right/authority has been impaired due to the coming into effect of Law 6/1954. According to the Petitioners, the aforementioned Right to Inquiry of the People's Legislative Assembly is provided for in two different Laws, so that the regulation of the aforementioned Right to Inquiry of the People's Legislative Assembly results in legal uncertainty. Legal uncertainty of the Law *a quo* may lead to the hindrance to the administration leadership of Susilo Bambang Yudhoyono and Prof. Dr. Budiono in performing the duties of the state. Such hindrance may result in the failure to achieve the targets of the government administration of the President Susilo Bambang

Yudhoyono and Vice President Prof. Dr. Budiono in materializing a physically and mentally prosperous life for the Petitioners including all supporters and sympathizers of Democratic Party as provided for in Article 28H paragraph (1) of the 1945 Constitution. Therefore, the coming into effect of the Law *a quo* has the potential to impair Prof. Dr. Budiono (the Vice President) which also affects the Petitioners as voters of President Susilo Bambang Yudoyono and Vice President Prof. Dr. Budiono;

**[3.8]** Whereas in assessing whether or not the interest of the Petitioners exists in the formal review of Law 6/1954 the Court will rely on Decision Number 27/PUU-VIII/2010 dated June 16 2010 requiring the correlation between the Petitioners and the Law petitioned for review. The assessment by the Court of the interest of the Petitioners in the formal review of Law 6/1954 must be related to the provision of Article 1 paragraph (2) of the 1945 Constitution where the Petitioners acting as one of the sovereignty holders have given their mandate through general elections to their representatives taking seats in legislative and executive institutions. The People's Legislative Assembly as a legislative institution has power to formulate Laws together with the President [*vide* Article 20 paragraph (1) and paragraph (2) of the 1945 Constitution]. As an institution having power to formulate Laws, both institutions automatically have authority to revoke the Laws they have drawn up. If both institutions are not willing to revoke a Law that the people consider inconsistent with the 1945 Constitution, the people as sovereignty holders may take over the mandate already given to the People's Legislative Assembly and the President by filing a petition for review of

the intended law to the Constitutional Court. The aforementioned interest of the Petitioners occur if the recipient of the mandate does not perform the mandate given by the people in a fair, honest and responsible manner;

**[3.9]** Whereas in connection with the legal standing of the Petitioners as Indonesian citizens in a substantive review, the Court is of the opinion that the country adhering the principles of constitutional state, namely among other things: supremacy of law, equality before the law, any action taken by the state must be based on law and due to process of law, limitation of power, protection of human rights, the performance of democratic principles, transparency and social control as well as orientation towards an attempt to materialize the objectives of living as a state to create public welfare. In accordance with the aforementioned principles, the Petitioners as Indonesian citizens having actively participated in the formation of government among other things as voters in general elections are entitled to participate in the government based on the principles of democracy guaranteed by the constitution. The form of participation of such citizens is conducted by, among other things: participating to control the state government administration on a constitutional basis, either directly in the form of conveying opinions and thoughts about the state government administration, participating to choose and determine state leaders as well as entitled to file petitions for review of Laws to the Court in order to rectify the state government administration. In addition to that, the Petitioners may also indirectly take control through the mechanisms of people's representation, namely the People's Legislative Assembly, the Regional Representative Council and the

Regional People's Legislative Assembly. According the Court, the right of citizens to control the state government administration is not instantly lost or transferred to the people's representatives along with the election of the members of the People's Legislative Assembly, the Regional Representative Council and the Regional People's Legislative Assembly. The people as sovereignty holders who are entitled to control or supervise the state government administration will lose their constitutional right if legal standing is not given to them since, in the case *a quo*, because the lawmakers do not make corrections to the legal products they have made. Based on the aforementioned considerations, the Court is of the opinion that the Petitioners have legal standing to file the petition for review of Law 6/1954 under the 1945 Constitution;

**[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 subsequently consider substance of the petition;

### **Substance of the Petition**

**[3.11]** Whereas the Petitioners in the Substance of the Petition *a quo* have filed a petition for review of Law 6/1954 which is not in accordance with the provisions in the 1945 Constitution, namely:

- Whereas the Transitional Provision in Article I of the 1945 Constitution states, "*Any laws and regulations existing shall survive insofar as the new laws and regulations have not been drawn up pursuant to this Constitution*". The provision of this Transitional Provision means that if

there are new laws and regulations drawn up pursuant to the 1945 Constitution, the old regulations providing for the same matters shall be no longer applicable;

- Whereas in accordance with the provision in the *in view of* consideration section of Law 6/1954 as well as the provision of Transitional Provision in Article I of the 1945 Constitution, Law 6/1954 should be declared inapplicable since: (i) the right to inquiry of the People's Legislative Assembly has been provided for in Article 77 paragraph (3) of Law 27/2009; (ii) Law 6/1954 was formulated by referring to the constitution which is no longer applicable; (ii) the presence of new principles of regulations or laws sets aside the old regulations or laws (*Lex posteriori derogat legi priori*);
- Whereas the provisions on the right to inquiry of the People's Legislative Assembly provided for in the two different Laws, namely Law 6/1954 and Law 27/2009 have resulted in legal uncertainty. Therefore, the Petitioners have filed a petition to the Constitutional Court for declaring Law 6/1954 without any binding legal force or at least inconsistent with Law 27/2009;

**[3.12]** Whereas in order to support the arguments of their petition, the Petitioners have submitted document/written evidence marked as Exhibit P-1 up to Exhibit P-4 and did not ;present any witness or expert:

**[3.13]** Whereas the Government at the hearing on May 5 2010 conveyed its oral statement and on June 22 2010 conveyed its written statement substantially

describing the following matters:

- Whereas in accordance with Article 20A paragraph (4) of the 1945 Constitution, further provisions concerning the right of the People's Legislative Assembly and the right of the People's Legislative Assembly members shall be provided for in law, however, in reality, the aforementioned right of the People's Legislative Assembly and right of the People's Legislative Assembly members up to date have not been provided for in a special law regarding the intended rights of the People's Legislative Assembly. The provision regarding the rights of the People's Legislative Assembly and the right of the People's Legislative Assembly members are partly provided for in Law 27/2009, while the right to inquiry is provided for in Law 6/1954;
- It is true that Law 6/1954 originates from the government adopting a parliamentary government system under the 1950 Provisional Constitution, however, up to date the Law *a quo* has not been revoked;
- Whereas the committee of the right to inquiry of the People's Legislative Assembly has an extremely important position from the legal point of view. In a parliamentary system, the presence of the committee of inquiry is not automatically dissolved along with the dissolution of parliament. Even though the parliament is dissolved, the committee of inquiry will keep working until the new parliament is formed which will determine the fate of the aforementioned committee of inquiry. In a presidential system, such matter will not occur, unless the President has changed into a dictator by

dissolving the People's Legislative Assembly. The provision of Law 6/1954 which is still relevant up to date is the provision relating to the job of the committee of inquiry which is not hindered by any recess and adjournment of a session period;

- Whereas different operational procedures in exercising the right to inquiry provided for in Law 6/1954 and Law 27/2009 shall not limit the constitutionality of the coming into effect of Law 6/1954 regarding the Stipulation of the Right to Inquiry;

**[3.14]** Whereas with respect to the petition of the Petitioners *a quo*, the People's Legislative Assembly did not attend the hearing, but the People's Legislative Assembly delivered its written statement received in the Court's Registry Office on May 25 2010 substantially describing the following matters:

- Whereas the right to inquiry of the People's Legislative Assembly is provided for in Article 20A paragraph (1) and paragraph (2) of the 1945 Constitution. The aforementioned right to inquiry is exercised in the context of performing the function of supervision in order to conduct investigation of the implementation of Law and/or policy of the Government which relates to important, strategic issues and which broadly affects the life as a community, nation and a state alleged to be inconsistent with laws and regulations;
- Whereas even though Law 6/1954 has been formed in accordance with the 1950 Provisional Constitution, pursuant to the provision of Article I of the Transitional Provision of the 1945 Constitution, either prior to the

- amendment or following the amendment *juncto* Article 406 of Law 27/2009, it gives legal certainty to the coming into effect of Law 6/1954;
- Whereas the regulation of the right to inquiry in Law 6/1954 and Law 27/2009 does not mean duplication of the regulation of the right to inquiry, but that the provisions of the right to inquiry provided for in Law 6/1954 and Law 27/2009 shall supplement each other, so that legal vacuum can be avoided;

### **The Court's Opinion**

**[3.15]** Whereas the Petitioners in the petition *a quo* substantially question the legal basis of the formulation of Law 6/1954 based on the 1950 Provisional Constitution, whereas the Constitution *a quo* is no longer applicable. Whereas the provisions concerning the right to inquiry of the People's Legislative Assembly are provided for in Law 6/1954 and Law 27/2009, so that the regulation of the right to inquiry in both Laws has resulted in legal uncertainty. With respect to the argument of the petition of the aforementioned Petitioners, then the legal question which must be answered by the Court would be whether it is true that Law 6/1954 is unconstitutional since it was formed based on the 1950 Provisional Constitution;

**[3.16]** Whereas in order to answer the aforementioned legal question, the Court will analyze the legal basis of Law 6/1954 since the articles set forth in the legal basis are the foundation of the formulation of laws and regulation. The Legal basis (in the "In view of" consideration section) of Law 6/1954 is *"Article 70 and*



*Article 90 Paragraph (2) juncto Article 89 of the Provisional Constitution of the Republic of Indonesia*". The aforementioned articles state that:

- Article 70, *"The People's Legislative Assembly shall have the right to inquiry (enquete), pursuant to the regulations stipulated by law"*;
- Article 90 paragraph (2), *"The People's Legislative Assembly shall be entitled to submit proposal of law to the Government"*;
- Article 89, *"Unless determined in Article 140, the legislative power shall be performed by the Government together with the People's Legislative Assembly pursuant to the provisions of this section"*;

Article 70 of the 1950 Provisional Constitution provides for the legal basis for the formulation of Law 6/1954. Article 90 paragraph (2) and Article 89 of the 1950 Provisional Constitution provide for institutions authorized make the Law *a quo*. The Law *a quo* has actually been formulated by the Government together with the People's Legislative Assembly based on the aforementioned articles. Thus, the formulation of Law 6/1954 has been constitutional since it is pursuant to the provisions of the 1950 Provisional Constitution applicable at that time. Therefore, the formulation of the Law *a quo* was constitutional at that time, but since the Petitioners turn out to substantially question the substantive contents of the Law *a quo*, the Court needs to consider the substance. This is necessary since the government system based on the currently applicable constitution has changed;

**[3.17]** Whereas the formulation of Law 6/1954 refers to a parliamentary

government system based on the 1950 Provisional Constitution intended, among other things, to give protection/legal certainty to the committee of inquiry, if the President dissolves the People's Legislative Assembly. The provision concerning the aforementioned matter is provided for in Article 28 of Law 6/1954 stating that, *"The power and job of the Committee of Inquiry shall not be postponed by the adjournment of hearings or **the dissolution of the People's Legislative Assembly** forming it until the new People's Legislative Assembly determines otherwise"*. Such provision is obviously different or not in line with the 1945 Constitution adhering to the presidential government system. In the presidential government system, the president cannot freeze and/or dissolve the People's Legislative Assembly. Accordingly, even though in accordance with Article I of the Transitional Provision of the 1945 Constitution, any existing laws and regulations shall survive insofar as the new laws and regulation have not been drawn up pursuant to the 1945 Constitution, according to the Court, Law 6/1954 including the Law whose validity cannot be maintained since the government systems adhered to by both constitutions on which it is based on are different, so that substantive contents of the Law *a quo* is inconsistent with the 1945 Constitution. In addition to that, the formulation procedures and working mechanism of the committee of inquiry provided for in Law 6/1954 have also been provided for in Law 27/2009. If Law 6/1954 is maintained, it will result in legal uncertainty which is inconsistent with the 1945 Constitution. In order to improve the Law on the right to inquiry as a consequence of this unconstitutional Law 6/1954, the legislators need to anticipate the formulation of a Law as

intended in Article 20A paragraph (4) of the 1945 Constitution with due observance of Law Number 27 Year 2009 related to the rights of the People's Legislative Assembly and the members of the People's Legislative Assembly.

#### **4. CONCLUSION**

In accordance with the aforementioned assessment of fact and law, the Court concluded that:

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

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

**[4.3]** The arguments of the Petitioners in the petition for formal review do not have legal basis;

**[4.4]** The arguments of the Petitioners in the petition for substantive review have legal basis;

In accordance with the 1945 Constitution of the Republic of Indonesia and in view of Article 56 paragraph (4) Article 57 paragraph (2) and paragraph (3) of Law Number 24 Year 2003 regarding 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).

#### **5. ORDERS OF DECISION**

**Passing the decision,**

**Declaring:**

- To reject the petition of the Petitioners in formal review;
- To grant the petition of the Petitioners in substantive review;
- Law Number 6 Year 1954 regarding the Stipulation of the Right of Inquiry of the People's Legislative Assembly Court (State Gazette of the Republic of Indonesia Year 1954 Number 19, Supplement to the State Gazette of the Republic of Indonesia Number 518) inconsistent with the 1945 Constitution of the Republic of Indonesia;
- That Law Number 6 Year 1954 regarding Stipulation of the Right of Inquiry of the People's Legislative Assembly Court (State Gazette of the Republic of Indonesia Year 1954 Number 19, Supplement to the State Gazette of the Republic of Indonesia Number 518) shall have no binding legal force;
- To order publication of this Decision properly in the Official Gazette of the Republic of Indonesia;

In witness whereof, this decision was passed in the Consultative Meeting of Justices by nine Constitutional Court Justices, namely Moh. Mahfud MD as the Chairperson and concurrent Member, Achmad Sodiki, M. Akil Mochtar, Harjono, Ahmad Fadlil Sumadi, M. Arsyad Sanusi, Muhammad Alim, Maria Farida Indrati and Hamdan Zoelva respectively as Members, on **Wednesday the twenty-sixth of January two thousand and eleven** and was pronounced in the Plenary Session open to the public on **Monday thirty-first of January two thousand and eleven** by eight Constitutional Court Justices, namely Moh. Mahfud MD as the Chairperson and concurrent Member, Achmad Sodiki, M. Akil Mochtar,

Harjono, Ahmad Fadlil Sumadi, Muhammad Alim, Maria Farida Indrati, and Hamdan Zoelva respectively as Members, assisted by Sunardi as Substitute Registrar, in the presence of the Petitioners/their Attorneys, the Government or its representative and the People's Legislative Assembly Court or its representative.

**CHAIRPERSON,**

**Moh. Mahfud MD.**

**MEMBERS,**

**Achmad Sodiki**

**M. Akil Mochtar**

**Harjono**

**Ahmad Fadlil Sumadi**

**Muhammad Alim**

**Maria Farida Indrati**

**Hamdan Zoelva**

**SUBSTITUTE REGISTRAR,**

**sgd.**

**Sunardi**

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, January 31, 2011

Acting 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