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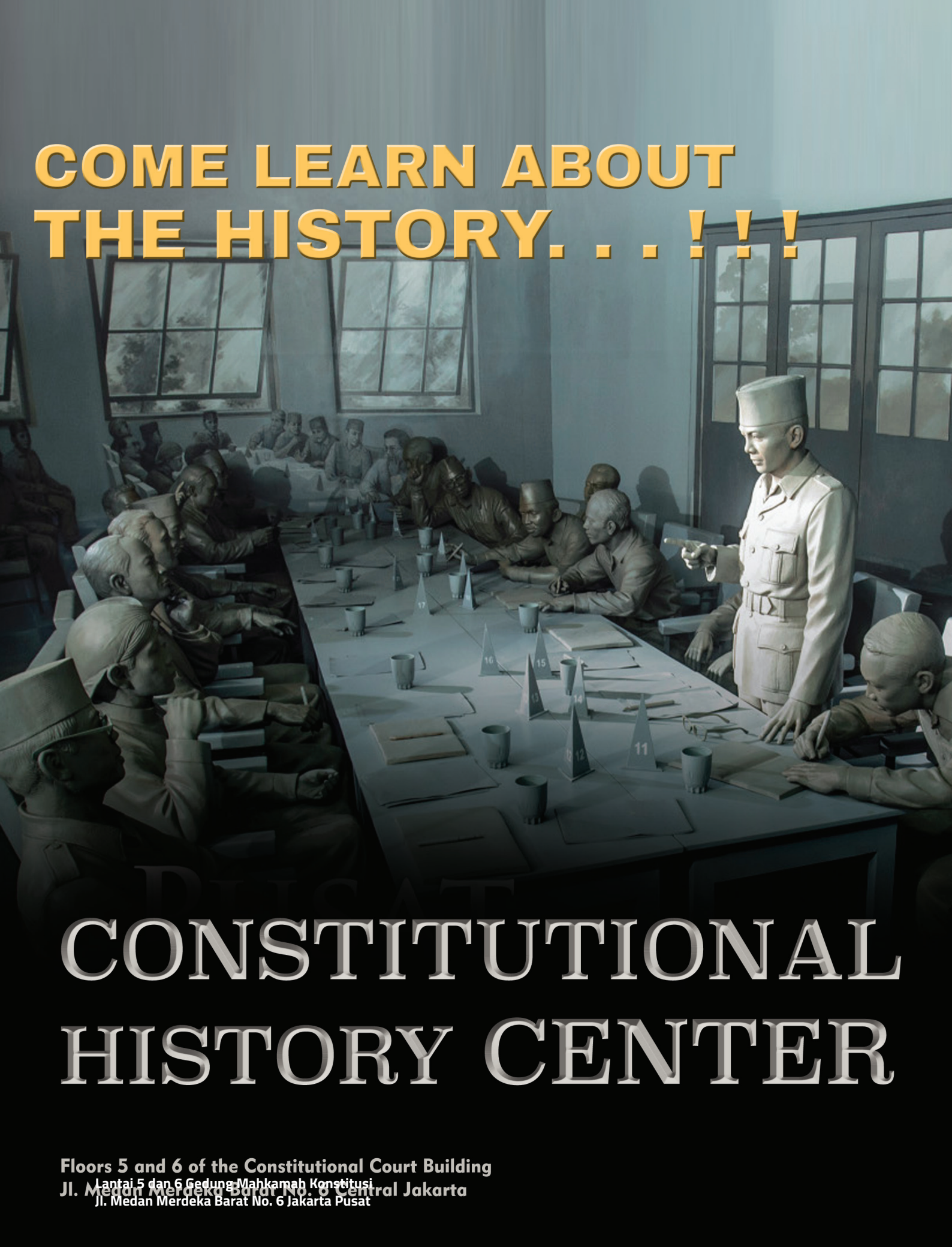
E-MAGAZINE

KONSTITUSI

REFLECTIONS OF 2022 AND PROJECTIONS FOR 2023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Editor's Foreword

It is like opening a new page, and so is the Constitutional Court in welcoming 2023. 2023 is a year of preparation for the Constitutional Court in preparing itself as the final door in the series of processes for the 2024 Simultaneous General Elections.

Opening the beginning of the year, the January 2023 issue of KONSTITUSI magazine will outline Constitutional Court's footprints throughout 2022. In addition, discussions on cases handled by the Constitutional Court in 2022 and viral decisions will be discussed in the Special Coverage section.

Apart from that, readers can still enjoy the regular sections of KONSTITUSI magazine which always accompany them, such as the Window column which discusses the Voice of Baceproot (VOB), or the Khazanah column which discusses shifts in judgment in interpreting the constitution, as well as other rubrics.

The new year will bring many things to be grateful for. Stay enthusiastic through all obstacles by continuing to share goodness and togetherness. Happy New Year 2023!

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KONSTITUSI

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The celebration of the turn of 2022 to 2023 makes us realize that the wheel of life continues. The momentum for the turn of 2023 is a valuable medium for introspection and reflection on steps. Furthermore, at the same time, it becomes a medium for designing even better projections in the future.

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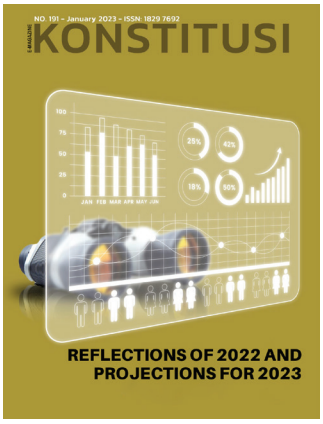
SETTING RULES OF THE GAME OF DEMOCRACY

Democracy. It is the ideal of the common good that seems most credible today. It is believed to bring about a prosperous civilization filled with mutual trust, respect, and cooperation. With democracy, it is possible to achieve the ideals of becoming a state, not just an isolated dream. Reinhold Niebuhr wrote an interesting line in "*The Children of Light and the Children of Darkness*". It is said, "The human capacity for justice makes democracy possible, but the human tendency to be unjust, makes democracy necessary". The question is, is this sentence still relevant? Is it true that humans can be fair? How can democracy really live and materialize, while in the midst of it, an act of human injustice is shown?



In the experiences of many countries in upholding democracy, there are always paradoxical episodes. Democracy is flying and at the same time, greed and hypocrisy are also flying. The fact is described by Levitsky and Ziblatt in the book "*How Democracies Die?*" In many countries, democracy does not die at gunpoint, through armed coups. Instead, he died at the hands of state leaders who were elected from democratic elections. The democratic route is intertwined with politics. The political process is said to be the art of the possible. In fact, Machiavelli in Il Principe seems to give advice, even in politics, and democracy, results are nothing but the value of an action. The good result erases the viciousness of the means of achieving it, even with deception.

In "Mandragola", a five-act comedy composed by Machiavelli around 1518, we are given an ironic message about the importance of results, no matter how cunning the way to achieve them. The story goes like this. Cillimaco, a handsome and educated young man, was infatuated with Lucrezia, the wife of Messer Nicia, a middle-aged, rich, and respected judge. Cillimaco found it impossible to approach Lucrezia. Apart from having a husband, Lucrezia was afraid of sin and prayed diligently under the guidance of Brother Timotea. However, a gap appeared. Messer Nicia could not wait to have a child from Lucrezia. Even so, Lucrezia diligently prayed to get pregnant soon.

Ligurio, a shrewd marriage broker, was willing to help Cillimaco. He had Cillimaco pretend to be a doctor. The doctor concocted "Mandragola", a concoction that could make women get pregnant immediately. Even though the risks were heavy: the male partner would die after a week of fertilization. Nicia was interested. Yet, he didn't want to die a week after fertilizing Lucrezia. If she wanted to order another man, Lucrezia definitely wouldn't commit adultery.

Ligurio added a scenario. It turned out that Timoteo could actually be paid to issue a *fatwa* that made sex outside of marriage legal, specifically only in this case. Nicia was ready to pay. However, who was that stupid man who wanted to impregnate Lucrezia, who died a week later? Ligurio gave way. A man from the street would be arrested tonight. He would be forced into contact with Lucrezia. Nicia agreed and Run the scenario. Of course, the man who pretended to be arrested was Cillimaco. The story is a happy ending. Cillimaco managed to "possess" Lucrezia. Nicia was happy because she was sure that her wife would soon become pregnant. Timoteo liked to make money. Lucrezia enjoyed adultery with the blessing of Timoteo's *fatwa*.

How terrible it would be if "Mandragola" enlivened our democratic politics. Indeed, democracy is an unfolding story of human imperfection. Thus, it's our job to patch up those imperfections. The wild and anarchic character of politics should be limited by law as the rules of the game. Thus, the rules of the games of democratic politics need to be continuously arranged and strengthened. What must be remembered is, our politics, democracy, and laws, are all traced from and oriented towards the good values of Pancasila and the 1945 Constitution as the ideology and basis of the state. Long Live Constitution!

Window

VOB

I D.G.Palguna

"Looking back, our journey hasn't been easy. As a female rock band, we've faced countless biases and stigmas – especially those that relate to our genre of music. But instead of letting that negativeness bring us down, they've led us to grow even further to reach our dreams"

VOB (Voice of Baceprot), a girl metal band from Garut

In the past month, my heart has been anchored by the Voice of Baceprot a.k.a VOB: three beautiful young women wearing hijabs playing heavy metal music. They are humble and innocent, but smart and brave, Firda "Marsya" Kurnia (guitarist), Widi Rahmawati (bassist), and Euis Siti Aisyah (drummer). They are a phenomenon. It is only because of the type of music, appearance, and musical attitude, but also because of their views on social issues, especially those related to women. However, precisely because of their choice of music genre they play (as women wearing hijab), they have received death threats several times. Thank goodness, they are not afraid and do not want to succumb to that threat—as they say, quoting an adage, "What doesn't kill me will only make me stronger"

The world falls in love with VOB. Compliments come from anyone, so Tom Morello does. He is the founder and member of the youth idol band, Rage Against the Machine (RATM), who is also an activist. Morello had a special chat online with the three VOB personnel—which made the three little girls scream hysterically with joy. When asked by journalists, what is his advice for VOB, Morello instead said, "They don't need any advice from me. I'd like to ask them for advice. They're doing their great… everything I love about music, about rock and roll, they've got."

Meanwhile, Metal Hammer, a well-known British heavy metal music magazine, named the three girls from Singajaya Village, Garut, West Java as the metal band the world needs right now (Voice of Baceprot is the metal band the world needs right now). One more example, long before Tom Morello and Metal Hammer gave their praise, the New York Times had already mentioned VOB as a shining band in Indonesia. "These three teenage girls—shy and even blushing because they are so attached to their hijabs—don't really look like a heavy metal band. However, a dramatic change occurs when they are on stage. All that looks of shyness and awkwardness evaporated as the group … it started pounding the bass, guitar, and drums to create a jovial and youthful cacophony. They are Voice of Baceprot, a rising band in Indonesia, a country where heavy metal music is so popular that even the president claims to be a fan of (metal) bands such as Metallica and Megadeth (The three teenage girls – shy and even seeming slightly embarrassed as they peer out from their Islamic headscarves – do not look much like a heavy metal band. But a dramatic change occurs when they take the stage. All pretense of shyness or awkwardness evaporates as the group … begins hammering away at bass, guitar, and drums to

create a joyful, youthful racket. They are the Voice of Baceprot, a rising band in Indonesia, a country where heavy metal is popular enough that the president is an avowed fan of bands like Metallica and Megadeth).

This limited column would be full of VOB compliments if it continued. For dear readers who—like me—know when it comes to VOB, please open Youtube. You will find tons of reviews about it. I just want to make a note about their two songs, School Revolution and Not Public Property. Metal Hammer has described the song as "a fiery mix of stretchy bass and owes its thrash color to Rage Against the Machine". School Revolution's lyrics, among other things, it is written: *My body runs to school in the morning/ Forced to have a dream that no one understands/ Thrown my head forced to be smart/ Stranded morally tempted by frenzy. Don't try to judge us now/ Don't try to judge us now/ Don't try to judge us now/ Don't try to judge us now. Behind the wall the contents of the head seemed to be padlocked/Selaksa dogma was overwritten until hunchbacked/ If you shouted independence, prepare to be punched or said. And my soul is empty/ And my dream was dying/ My soul falls in the dark side/ And I lose my life (my life). It was called the most beautiful prison there/ But gave no evidence/ Just a pile of rules that were never implemented/ Leaving forgotten history... Many people just clashed perceptions/ Oppressed each other for reasons of vision and mission/ Sacrificed dreams that ultimately stranded far away/ Thrown faintly and finally starts to fade... Only focused people can survive/ have dreams and dare to make them happen/ Can be successful without having to sacrifice principles/ Have enthusiasm and positive thoughts...*

In an interview with Metal Hammer almost two years ago, Marsya, the guitarist and vocalist, answered in fluent English, When students start to feel lost and so far, detached from their hopes and dreams for the sake of following rigid school rules, we believe that it is simply another form of subjection. This is based on our own experience; from what we feel, the discussions that we had with Abah, and what we've read from many books. The school was a big part of our lives at that time. It was the place where most teenagers spent their youth. Schools should be a just and fair space that is able to accommodate the hopes and dreams of its students."

Perfect. That's how I feel too. Apart from enjoying the rebellious trio's cohesiveness in playing their slick, contained, compact, and perfectly-skilled composition, the lyrics of this song immediately reminded me of Paulo Freire, a Brazilian "educational philosopher" known for his "critical pedagogy". A pedagogy that believes in teaching

should "challenge" learners to examine power structures and patterns of inequality within the status quo circle.

Therefore, this pedagogy offers an educational model that puts forward problems (*problemposing education*) as a substitute for the "one-sided imposition" education model by the teacher. He believes students or learners are not "empty accounts" that must be filled unilaterally by the teacher but already have various potentials. The teacher's task is to explore and release that potential to develop and work in a way that directly confronts students with real problems in life. There, the teacher must prioritize as a friend, not an omniscient instructor. This model is rooted in Freire's view that places education as the practice of freedom. Thus, education should be a liberating activity whose main goal is to liberate human potential which – in part – can be achieved through the development of "*conscientização*" – a term in Portuguese that roughly means "critical awareness." "Therefore, the teacher must understand the method of maintaining opportunities for freedom for the learner in an educational process," said Freire. The origins of the critical pedagogy predicate were attached to the learning model developed by Freire.

Whether it's because she reads (and believes in) Freira or not, this approach is exactly what is practiced by Ersa Eka Susila Satya—who is affectionately called Abah by VOB personnel. She was a counseling teacher when the three girls were still studying at a Madrasah Tsanawiyah in Garut. Abahlah "inventor" VOB. He was the one who saw the uncut pearls in the three girls whom their school considered as (part of) problematic students and had to be "guided" by Abah. However, when these three girls who had just turned their teens were "proffered", Abah instead of advising but listened to their stories wholeheartedly, tried to really understand their worries, then directed these three children towards their potential: music. Even though his services were real, in many interviews, Abah always refused to be called the teacher who taught the three VOB personnel to make music. He humbly said that he was just accompanying them. "It is more correct to say, I studied with them." In fact, on various occasions, VOB openly said that Abah taught them to play guitar, bass, and drums, as well as write songs (in English too). Because of his humble attitude, this humble teacher earned the sincere respect of not only the three VOB members and their fans but also people all over the world who listened to VOB stories because VOB members never forgot to mention his name in every interview at home and abroad. They are good children/pious.

The song *Not Public Property*, the music video is said to be broadcast at the celebration of International Woman's Day in London, 11-13 March, VOB voiced their protest against women victims of (sexual) violence, but it was the women who were blamed. Instead of realizing that everyone has the right to live in safety, people are busy talking about how (women) should dress. So, VOB also promised to "fight" against this injustice. They wrote: God hold my tears/ when I see a girl crying. She lost her trust/in the world and the source of her love. Where did the kind angel go/ when she needed it so badly? Even though the angel is gone/ but I won't be silent when she's blamed. Because our body is not public property / We have no place for the dirty mind. Because our body is not public property / We have no place for the sexist mind. Everyone has the right to live safely/ but why do people ignore it? They are still busy talking about/ dressing appropriately. Because we are forced to obey/unwritten f**** rules. And we are tired of things/ that people said to be good. This is how the fight/ will be remembered. And this is how the voice / gets stronger and louder.

How brave they are. What a strong spirit and determination. For me, VOB's voices are not Baceprot at all—which in Sundanese means noisy—but sounds full of courageous flames. Thus, on behalf of all the reviews above and most of them that are kept in mind, which due to space limitations could not be conveyed, I hope it won't become a laughing if, at the age of six, I also "register" as a member of Baladceprot - the nickname for fans. faithful VOB. I fantasize that one day people will call VOB, not (merely) the Voice of Baceprot, a.k.a noise, but (especially) the Voice of Bravery, the voice of courage. Amen..****

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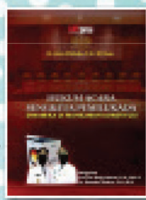

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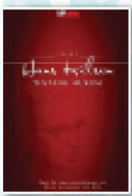

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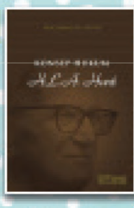

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Terbit : Cetakan Pertama, Oktober 2012
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THE USE OF INFORMATION TECHNOLOGY IN COURT

Luthfi Widagdo Eddyono

The utilization of information technology is a necessity in court. At least, there is a main reason for its use. Case handling is actually also information management. The most effective way of information management is, of course, by using reliable information (and communication) technology.

A court will carry out the process of examining, hearing, and deciding cases. Cases will go through a registration process to then be handled and produce the work of the judicial apparatus. All of these are information management processes.

When litigants submit applications or register cases, what they bring is information containing their respective opinions and views. Hence, access is needed, so that case handling is based on information received to be managed legally and factually. The end result in the form of a court decision is also actually in the form of information. All of these things can be managed with appropriate and comprehensive information technology.

Information Access Problems

In the context of getting access, for example, sometimes obstacles such as distance are found. In the Indonesian context, this is still often found because Indonesia's territory is vast and difficult to reach. Based on Dory Reiling's dissertation writing (2009) which was published in a book entitled "Technology for Justice: How Information Technology Can Support Court Reform", in many countries, courts are concentrated in major urban areas or in the capital. In addition, in large and/or sparsely populated countries, courts are far away, making them out of reach due to long journeys or high costs. Online applications and remote case examinations using technology can be a solution.

Other barriers are language. Sometimes, justice seekers use a language that differs from the official language of the state or courts. Of course, what can be carried out is to provide translators or files that have been translated. When translators and files can be used, technology can provide an opportunity so that the trial/hearing process or court proceedings are not too long due to translation problems, for example with simultaneous interpretation technology. Thus, there is time-saving for case processing.

Disability constraints are also another reason for using information technology in court. For example, visual and hearing disabilities, as well as motor and cognitive disabilities are also obstacles to access to justice. Electronic information technology can be used to provide text or audio, thus, it creates accessibility.

Another important thing is the lack of information and knowledge. With various backgrounds of justice seekers, it can be ascertained that this is the main obstacle to access to justice. Besides providing legal assistance, the most important thing is the provision of free information using technology that can be reached by anyone at any time. Sometimes, a complicated and complex justice system is also a barrier, including administration and lack of access to legal information. Information technology can be used to reduce its impact. Once this information has been provided, it is time to boldly develop digital access to courts.

Decreasing Court Corruption

Dory Reiling proposed three factors causing court corruption from the power and control approach. The first is the exclusive power of decision-makers. The second is discretion. The third is the lack of accountability related to decision-making and that discretion. According to him, judges and courts often have a monopoly on settling cases on behalf of the state. Thus, an open examination of cases and decisions that are immediately published are needed.

Dory Reiling also suggested motivational and incentive factors for corrupt justice officials, namely the level of benefits available, the risk of corrupt transactions, and the relative bargaining power between the bribe and the bribed (Rose-Ackerman, 1999). What are the indications? Low pay, poor working conditions, and lack of resources are real incentives for judges and court staff to accept bribes for the benefits they obtain. Misappropriation can occur if the risk of being caught is low or even if caught. It turns out that no sanctions are received. In terms of bargaining power, there is intense competition and is influenced by the monopoly of power, the level of freedom of authority, and the level of accountability.

If we reflect on the author's experience when doing an internship at the Federal Court of Australia, In addition to handling more open cases, the determination of judges is carried out through a random information technology system that avoids the buildup of caseloads on certain judges and avoids selecting certain cases which tend to be misused. This can also be applied in Indonesian courts, not only in determining judges but also substitute clerks or judicial judges at the Supreme Court.

Technically and in detail, the uses of information technology in court are an efficient (effective) justice system because it can increase productivity and reduce costs for disseminating important information; an effective justice system (*sangkil*) because it reduces procedures or bureaucracy to reduce costs, both for the use of tools such as video conferencing, software, and others; increasing public access to information in court to reduce corruption of time and money by judicial administrators; increase the transparency of the judicial process so that it can be evaluated publicly; as well as increasing public trust in the justice system (Martinez, et al, 2009).

In the end, when information technology is used successfully, it will strengthen the legitimacy of judicial power. As stated by Lord Hewart, "Justice must not only be carried out, but must also be seen to be done", information technology can realize both, they are justice and the appearance of justice being upheld.

REFLECTIONS OF 2022 AND PROJECTIONS FOR 2023

The celebration of the turn of 2022 to 2023 makes us realize that the wheel of life continues. The momentum of the turn to 2023 is a valuable medium for introspection and reflection on steps. Then at the same time, it becomes a medium for designing even better projections in the future. 2023 opens a new page toward normal life activities. At the end of 2022 Indonesian President Joko Widodo officially revoked the Implementation of Restricting Community Activities (PPKM) at the end of 2022. Indonesia has succeeded in controlling the Covid-19 pandemic.

For about two years, the world, including Indonesia, has been shrouded in a humanitarian tragedy due to the Covid-19 pandemic. Various sectors of life seemed paralyzed. The impact of the pandemic has not only rocked the world health sector but has also rocked the stability of the economic, social, cultural, educational, security, and even legal sectors.

Just believe, behind the difficulties, there is ease, *inna ma'al 'usri yusra*. The Constitutional Court as a judicial institution certainly does not remain silent in the face of a pandemic. On the one hand, they must follow the health protocol to prevent the transmission of Covid-19. On the other hand, the Constitutional Court must not delay justice. The online hearing option is also a solution to overcoming deadlocks in upholding justice during a pandemic.

The use of Information and Communication Technology (ICT) for hearings is not new to the Constitutional Court. Since its establishment in 2003, the Constitutional Court has set a vision as a Modern and Trusted Judicial institution. To realize this vision, the Constitutional Court is always open to the times, especially the development of ICT. The Constitutional Court always innovates in the use of technology in the form of online applications and remote hearings. The use of video conferencing technology for remote trials has been carried out since the early period of the Constitutional Court's existence. Besides, Constitutional Court also utilizes video conferencing technology for scientific activities.

In essence, the Constitutional Court's digital track record as a modern judicial institution has been tested for a long time. Thus, it is not difficult for all levels of the Constitutional Court to continue their activities during a pandemic situation.

As a reflection, throughout 2022 the Constitutional Court will hold trials online. Submission of an application to the Constitutional Court is also directed into the online system. Likewise, non-hearing activities are also carried out online.

Throughout 2022, a total of 121 cases were submitted to the online application system and then registered by the Constitutional Court. Judicial Review of Law Number 7 of 2017 concerning General Elections (Election Law) was in the first place as the law that has been tested the most, namely 25 cases. The second place was the judicial review of Law Number 3 of 2022 concerning the State Capital in 10 cases. In third place, it was a judicial review of Law Number 10 of 2016 (Regional Head Election Law) of 7 cases.

All requests for cases submitted to the Constitutional Court ultimately lead to a decision. Decisions that have legal certainty and justice are the crown of the judiciary. Throughout 2023 the Constitutional

Court has decided 128 cases. Meanwhile, the total products of the 2003-2023 Constitutional Court's decisions were 3,444 decisions.

The large number of lawsuits related to electoral regulations cannot be separated from preparations for the 2024 elections and local elections. The simultaneous national elections will be held on February 14, 2024. Meanwhile, the simultaneous local elections will be held on November 27, 2024. However, 2022 has entered a political year. Machines of political parties have started to warm up. Several requirements must be met to qualify as eligible participants. This includes efforts by political parties or a combination of political parties to nominate a pair of presidential and vice-presidential candidates (candidates). Thus, it is not surprising that throughout 2022, the case that has been reviewed the most at the Constitutional Court is the Election Law.

The main issues that surfaced in the Judicial review of the Election Law cover four matters. The first is the differentiation of the verification of political parties participating in the election. The Constitutional Court in its decision emphasized that political parties that meet the Parliamentary Threshold requirements in the 2019 Election will still be verified administratively, but not factually verified. As for political parties that do not pass the Parliamentary Threshold and new political parties, must be verified administratively and factually.

The second is the presidential threshold. The Constitutional Court decided that the threshold requirement for presidential candidates in the Election Law was constitutional. As for the percentage, the Presidential Threshold is an open legal policy that is the domain of legislators.

The third is the determination of the electoral area (*dapil*) and the allocation of seats. The Constitutional Court decides that the electoral districts and seat allocations for members of the House of Representatives, Provincial Regional People's Representative Assembly, and Regency/Municipal Regional People's Representative Assembly are regulated in a General Election Commissions Regulation.

The fourth, is regarding the authority of the Constitutional Court to handle disputes over the

results of regional head elections (pilkada). The Constitutional Court believes that regional elections are part of elections. As a consequence, deciding disputes over regional election results is the authority of the Constitutional Court.

Constitutional Court's projections in 2023

Simultaneous elections were held for the first time in 2019. This started with Constitutional Court Decision Number 14/PUUXI/2013. In this decision, the Constitutional Court emphasized that simultaneous elections are not contrary to the 1945 Constitution. Simultaneous elections are intended to elect members of the House of Representatives, Regional Representative Council, Provincial Regional People's Representative Assembly, Regency/City Regional People's Representative Assembly, as well as the President and Vice President. At that time, the term appeared, Simultaneous Election of Five Boxes.

The upcoming 2024 election will also be held simultaneously. A few months later, simultaneous local elections were held. It takes careful preparation for the 2024 elections and local elections.

In 2023, the Constitutional Court is starting to prepare to support the smooth and quality handling of Election Result Dispute Cases (PHP). Within this one year, the orientation of most of the Constitutional Court's energy and resources is to provide support for the handling of these PHP cases. Among other things, the Constitutional Court will organize Technical Guidance (Bimtek) on Constitutional Court Procedural Law, workshops for employees, and improvement of ICT facilities and infrastructure and buildings.

Technical guidance on procedural law is carried out to provide additional understanding and mastery to election stakeholders, both election administrators and election contestants, regarding the procedural law of the Constitutional Court, especially the procedural law for disputes over election results. Technical guidance contributes to improving the overall quality of case handling.

While workshops improve the capacity and competence of employees (internal). Workshops are held in waves for justice administration, general administration, and security officials, to provide the best support and service during the handling of election result disputes.

Lastly, Constitutional Court makes efforts to improve facilities and infrastructure in the form of ICT support and building expansion. This aims to smooth case handling and realize access to justice for every community towards the Constitutional Court. ■

NUR ROSIHIN ANA.

PHENOMENAL DECISION IN 2022

THE LIMITS OF CONSTITUTIONAL PRESIDENTIAL CANDIDATES

Law Number 7 of 2017 concerning General Elections (UU General Election) is the law that has been tested the most in the Constitutional Court during 2022. One of the testing norms that occupies the highest nomination is the presidential threshold. Petitions are submitted by individual Indonesian citizens from various professional backgrounds, political parties, and state institutions, for the presidential threshold norms that have been decided by the Constitutional Court throughout 2022, namely Decision Number 5/PUU-XX/2022, Decision Number 6/PUUXX/2022, Decision Number 7/PUU-XX/2022, Decision Number 8/PUU-XX/2022, Decision Number 11/PUU-XX/2022, Decision Number 13/PUU-XX/2022, Decision Number 20/PUUXX/2022, Decision Number 21/PUU-XX/2022, Decision Number 42/PUU-XX/2022, Decision Number 52 /PUU-XX/2022, and Decision Number 73/PUU-XX/2022.

The Constitutional Court's decision essentially states that the threshold requirement is constitutional. Meanwhile, concerning the percentage size of the presidential threshold, it is an open legal policy that is the domain of

the formation of the Law on the Establishment of the Court based on the need to strengthen the Presidential government system based on the 1945 Constitution to realize effective government.

FACTUAL VERIFICATION OF POLITICAL PARTIES FOR 2024 ELECTION PARTICIPANTS

Provisions on the verification of political parties (Parpol) participating in elections as stipulated in Article 173 paragraph (1) of the Election Law were reviewed by some political parties to the Constitutional Court. Regarding this matter, during 2022 the Constitutional Court has issued several decisions namely, Decision Number 78/PUU-XX/2022, Decision Number 57/PUU-XX/2022, and Decision Number 64/PUUXX/2022.

The Court in ruling Number 64/PUU -XX/2022 stated that they rejected the application for review of the Election Law submitted by the Indonesian Solidarity Party (PSI). The Court referred to the previous decision, namely Decision Number 55/PUU-XVIII/2020. The Court remains in its stance that political parties that have passed the 2019 Election verification and passed the parliamentary threshold in the 2019 Election are still administratively verified but not factually verified. As for political parties that do not pass the parliamentary threshold, political parties that only have representation at the Provincial/ Regency/City Regional People's Representative Assembly level, and political parties that do not have representation at the Provincial/District/City Regional People's Representative Assembly level, are required to be re-verified administratively and factually. This is the same as the provisions that apply to new political parties.

DETERMINATION OF ELECTORAL AREA AND ALLOCATION OF GENERAL ELECTION COMMISSIONS AUTHORITIES

The determination of electoral area (dapil) and the allocation of seats for members of the House of Representatives, Provincial Regional People's Representative Assembly, and Regency/ Municipal Regional People's Representative Assembly are regulated in General Election Commissions Regulations. That is the essence of Decision Number 80/PUU-XX/2022 in the case of reviewing the materials of the Election Law. Previously, this authority was the authority of legislators (DPR and President).

The application was filed by the Association for Elections and Democracy (Perludem). The court in its decision stated that it granted partly Perludem's request.

THE AUTHORITY OF THE COURT TO DECIDE ELECTION DISPUTES

The Court granted all requests for review of Law Number 10 of 2016 (Regional Head Election Law). The application was filed by the Association for Elections and Democracy (Perludem).

In Verdict Number 85/PUUXX/2022 the Court stated that the phrase "until a special judicial body is formed" in Article 157 paragraph (3) of the Regional Head Election Law is contrary to the 1945 Constitution and has no binding legal force. The Court also stated that Article 157 paragraph (1) and paragraph (2) of the Regional Head Election Law are contrary to the 1945 Constitution and have no binding legal force.

The Court's legal considerations in this decision emphasized that regional elections are part of elections. Consequently, the authority to resolve disputes over election results can be handled by the Constitutional Court. Meanwhile, the special judiciary for local elections does not have constitutional protection.

FORMER PSYCHOTROPIC CONVICT COMPETING IN REGIONAL ELECTIONS

The Court in ruling Decision/verdict Number 2/PUU-XX/2022 granted part of the request for Judicial Review of Law Number 10 of 2016 (the Regional Head Election Law) submitted by Hardizal, a former convict of psychotropics.

The Court stated that the Elucidation of Article 7 paragraph (2) letter i of the Regional Head Election Law is contrary to the 1945 Constitution and has no binding legal force as long as it is not construed, "except for perpetrators of disgraceful acts who have obtained court decisions that have permanent legal force and have completed serving their criminal terms, and honestly or openly announce his identity background as a former convict".

FOLLOW-UP THE DECISION OF THE HONORARY COUNCIL OF THE GENERAL ELECTION ORGANIZER MAY BE APPOINTED

Evi Novida Ginting Manik and Arief Budiman tested the final norms and binding Honorary Council of the General Election Organizer (DKPP) decisions in Article 458 paragraph (13) of the Election Law. The court in

Verdict Number 32/PUU-XIX/2021 granted part of Evi and Arief's request.

The Court stated that the provisions of Article 458 paragraph (13) of the Election Law are contrary to the 1945 Constitution and have no binding legal force as long as they are not construed, "The decision as referred to in paragraph (10) is binding for the President, General Election Commissions (KPU), Provincial General Election Commissions, Regency/City General Election Commissions, and Election Supervisory Agency (Bawaslu) is a decision of a State Administration official (TUN) that is concrete, individual and final in nature, which may become the object of a lawsuit in the State Administrative court".

Nevertheless, in its legal considerations, the Court encourages the use of Schedule I drugs by previously carrying out scientific studies and research related to the possibility of using this type of Schedule I drugs for health services and/or therapy. Furthermore, the results of scientific studies and research can be used as material for consideration by legislators in formulating possible policy changes regarding the use of Schedule I drugs.

CONSTITUTIONAL COURT ENCOURAGES SCIENTIFIC RESEARCH ON MEDICAL CANNABIS

The Court in Verdict Number 106/PUU-XVIII/2020 stated that they rejected all requests for review of Law Number 35 of 2009 concerning Narcotics (Narcotics Law). This request was summited by Dwi Pertiwi, Santi Warastuti, Nafiah Murhayanti, the Rumah Cemara Association, the Institute for Criminal Justice Reform (ICJR), and the Community Legal Aid Institute (LBHM) Association.

KALEIDOSCOPE 2022

January 5, 2022

2022 was opened with a hearing on the Judicial Review of the Mineral and Coal Mining Law (UU Minerba) which was registered with Number 37/PUU-XIX/2021 with an agenda for a Government statement represented by the Director General of Minerals and Coal of the Ministry of Energy and Mineral Resources (ESDM) Ridwan Jamaludin.

January 25, 2022

Three cases were decided by the Panel of Constitutional Justices, namely the request for a judicial review of the Police Law was rejected (Case No. 60/PUU-XIX/2021); requests for judicial review of the Attorney General's Law (Case No. 61/PUU-XIX/2021) and the Job Creation Law (Case No. 64/PUU-XIX/2021) was unacceptable.

February 3, 2022

27 Indonesian Citizens (WNI) living in 12 countries reviewed the presidential nomination threshold in the Election Law. Application Number 8/PUUXX/2022 is the fifth request to test the presidential nomination threshold in early 2022.

February 10, 2022

The Constitutional Court held a Special Plenary Session as part of the annual report with the theme "Digital Transformation for Upholding the Constitution" on Thursday (10/2/2022) in the Plenary Session Room of the Constitutional Court. The special session was attended by the President of the Republic of Indonesia Joko Widodo along with other guests who attended on a limited basis.

March 16, 2022

A month after its promulgation, Law Number 3 of 2022 concerning the State Capital (Law on State Capital/UU IKN) was formally reviewed by the Constitutional Court on Wednesday (16/3/2022) afternoon. The Petitioners who are members of the National Axis of State Sovereignty (PNKN) are individual Indonesian citizens who are potentially disadvantaged if the Law on State Capital is enacted. This application, which was registered as Case Number 25/PUU-XX/2022, was submitted by Abdullah Hehamahua (Petitioner I), Marwan Batubara (Petitioner II), Muhyidin Junaidi, (Petitioner III), etc.

February 24, 2022

The Constitutional Court declared "authorized parties" to assist in the implementation of the execution of fiduciary guarantee objects, namely the district court as stated in the Elucidation of Article 30 of the Fiduciary Guarantee Law. In Decision Number 71/PUU-XIX/2021 which was read out in a hearing to pronounce the decision on Thursday (24/2/2021), the Court granted some of the requests submitted by the husband and wife, Johanes Halim and Syylfani Lovatta Halim. During the hearing, the Court also stated that seven cases of judicial review of the Election Law could not be accepted, namely Case Numbers 66/PUU-XIX/2021, 68/PUU-XIX/2021, 70/PUU-XIX/2021, 1/PUUXX/2022, 5/PUU-XX/2022, 6/PUU-XX/2022, and 7/PUUXX/2022.

March 18, 2022

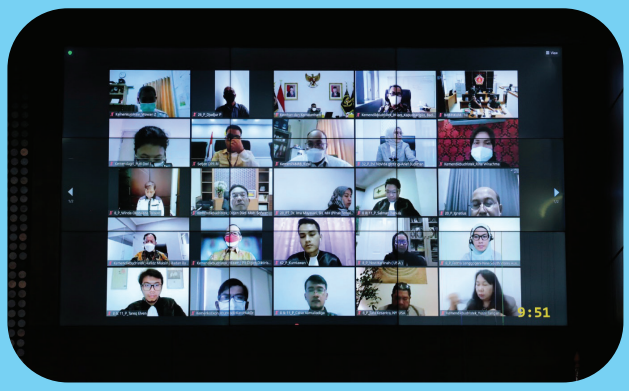
Constitutional Justice Arief Hidayat accompanied by the Secretary General of the Constitutional Court M. Guntur Hamzah conveyed the readiness of the Constitutional Courts of the Republic of Indonesia to host the 5th Congress of the WCCJ which will be held on October 4 – 7, 2022 in Nusa Dua, Bali. This readiness was conveyed by Arief at the WCCJ Bureau meeting on Saturday (18/3/2022) at the Scuoala Grande Building, Venice, Italy.

March 5, 2022

In preparation for the 5th WCCJ Congress on October 4 – 7, 2022, the Constitutional Court held a Coordination Meeting for the WCCJ Preparation and Signing of a Memorandum of Understanding with 11 Accommodation Providers and Related Agencies on Saturday (5/3/2022) at Pecatu Hall, BNDCC, Bali.

March 29, 2022

The Constitutional Court emphasized its stance that the Honorary Council of the General Election Organizer (DKPP) is not a judicial institution and DKPP. The General Election Commissions and Election Supervisory Agency, are election organizers who have equal status. Therefore, the follow-up of the Honorary Council of the General Election Organizer decision can become the object of the State Administrative Court (PTUN). Those are the legal considerations for Decision Number 32/PUU-XIX/2021 submitted by Arief Budiman and Evi Novida Ginting Manik. The decision was read out in a hearing that was held on Tuesday (29/3/2022) in the Plenary Session Room of the Constitutional Court.



March 31, 2022

Secretary General M. Guntur Hamzah attended the Meeting of Secretary Generals of AACC (Association of Asian Constitutional Courts and Equivalent Institutions)/Meeting of Secretary General of Associations of Constitutional Courts and Similar Institutions throughout Asia. The activity which was held online by the Constitutional Court of Mongolia as the President of the AACC took place on Thursday (31/3/2022). Guntur submitted a report on the implementation of the Constitutional Court of the Republic of Indonesia's duties as the Permanent Secretariat of the AACC for Planning and Coordination.

April 7, 2022

The Constitutional Court received a Performance Examination Report (LHP) on the Effectiveness of Handling Cases Reviewing the 2020 Fiscal Year Law. Semester 1 of 2021 FY and also Report on Completion of Follow-up on Audit Results (THLP) and Settlement of State Losses to.d. Semester 2 of 2021 FY. The two reports were submitted by the Head of Auditorate III.A Ahmad Adib Susilo to the Secretary General of the MK M. Guntur Hamzah on Thursday (4/7/2022) at the Constitutional Court Building.

April 25, 2022

The Constitutional Court delegation led by Constitutional Justice Enny Nurbaningsih attended the highlight of the commemoration of the 60th Anniversary of the Turkish Constitutional Court, which was the holding of an International Conference with the theme "Interpretation of the Constitution in the Protection of Fundamental Rights and Freedoms". This activity began with an opening ceremony by Turkish Constitutional Court President Zühtü Arslan and was attended by Turkish President Recep Tayyip Erdoğan on Monday (4/25/2022). At the end of the opening session, the foreign delegation and the Chief Justice of the Turkish Court exchanged souvenirs.

May 31, 2022

The Constitutional Court in Verdict Number 2/PUU-XX/2022 granted a portion of the petition for Judicial Review Number 10 of 2016 (Head Regional Election Law) submitted by Hardizal, a former convict of psychotropics. The Constitutional Court stated that the Elucidation of Article 7 paragraph (2) letter i of the Head Regional Election Law is contrary to the 1945 Constitution and has no binding legal force as long as it is not construed, "except for perpetrators of disgraceful acts who have obtained court decisions that have permanent legal force and have completed serving their criminal terms, as well as honestly or openly announce his identity as a former convict".

May 11, 2022

The Training of Skilled and Responsive Human Resources for Disability Services in the Pancasila and Constitutional Education Center was held by the Constitutional Court (MK) at the Pancasila and Constitutional Education Center, Bogor, on Wednesday (5/11/2022).

June 1, 2022

The Constitutional Court and the Pancasila Ideology Development Agency (BPIP) signed a memorandum of understanding in order to increase the understanding of citizens' constitutional rights as well as the internalization and institutionalization of Pancasila values. The signing of the memorandum of understanding was carried out by the Secretary General of the Constitutional Court M. Guntur Hamzah and the Deputy for Inter-Institutional Relations, Socialization, Communication, and Prakoso Networks witnessed by the Chief Justice of the Constitutional Court Anwar Usman, and the Head of BPIP Yudian Wahyudi on Tuesday (31/5/2022) in the Multipurpose Room University of Flores, Ende, East Nusa Tenggara.

May 11, 2022

Constitutional Court won the 2021 Archives Supervision Value Award with the Very Satisfying (AA) Category in the 2022 Archives Coordination Meeting Activities: Archives Supervision, Archives Award, and Commemoration of the 51st Archives Day 2022 organized by the National Archives of the Republic of Indonesia (ANRI) on Wednesday (5/18/2022).

June 18, 2022

Head of Slogoretno Village, Wonogiri on behalf of Suparmanto SM; Popongan Village Head, Karanganyar on behalf of Jalu Setio Bintoro; and Lurah Kepatihan Wetan, Surakarta on behalf of Sutrisno won 1st, 2nd and 3rd place in the 2022 Inter-headman/Village Heads of Solo Raya Constitutional Speech Contest, on Saturday (18/6/2022). The activity, which was held by the Constitutional Court (MK) in collaboration with the Law Faculty of Sebelas Maret University, Surakarta, was held in the Amiek Sumindriyatmi Hall, Building III, UNS Faculty of Law.

June 25, 2022

In order to increase understanding of citizens' constitutional rights and the quality of higher legal education, the Constitutional Court (MK) collaborates with Kadiri Islamic University (Uniska) Kediri. The signing of the memorandum of understanding took place on Saturday (25/6/2022) afternoon at the Uniska Campus, Kediri. The signing was started by Secretary General of the Constitutional Court M. Guntur Hamzah and continued by Uniska Chancellor Ali Maschan Moesa.

June 20, 2022

- The rules regarding the number of members of the National Human Rights Commission (Komnas HAM) as stated in Law Number 39 of 1999 concerning Human Rights (UU HAM) were declared conditionally unconstitutional by the Constitutional Court (MK). This was decided by the Panel of Constitutional Justices for Case Number 30/PUU-XX/2022 which was filed by a Lecturer at the Faculty of Law, University of Muhammadiyah Jakarta, and Tasya Nabila who is an activist with the Indonesian Human Rights Lantern.
- The Constitutional Court stated that Article 87 letter a of Law Number 7 of 2020 concerning the Third Amendment to Law Number 24 of 2003 concerning the Constitutional Court (UU MK) is contrary to the 1945 Constitution and has no binding legal force. Those are the points of Verdict Number 96/PUU-XVIII/2020 which were pronounced in the court on Monday (20/6/2022) in the Plenary Session Room of the MK. This request was filed by Priyanto who works as an advocate.
- The Court considers that the supervision of constitutional judges by the Judicial Commission is contrary to the 1945 Constitution because the authority of the Constitutional Court (MK) as a judicial institution is unable to realize its independence and impartiality. That is one of the legal considerations of the Panel of Constitutional Justices regarding Case Number 56/PUU-XX/2022 submitted by advocate Ignatius Supriyadi. In this Decision, the Court granted some of the cases that reviewed the constitutionality of Article 27A paragraph (2) letter b of Law Number 7 of 2020 concerning the Constitutional Court (UUMK).

August 13, 2022

Constitutional Court held a ceremony and tasyakuran in commemoration of its 19th Birthday on Saturday (13/8/2022) at the Constitutional Court Building.

July 26, 2022

The Constitutional Court and General Election Commissions coordinated the management of the 2024 General Election disputes in a meeting that was held on Tuesday (7/26/2022) in the Constitutional Court Delegation Room.

July 22, 2022

Constitutional Court held the "/Ngopi Bareng Corttizen/ Coffee with Courtizen" event which was held on Friday (7/22/2022) afternoon. At this event, the Constitutional Court had 50 followers of the Constitutional Court's Instagram account and was also attended by the Chief Justice of the Constitutional Court for the 2013 – 2015 period Hamdan Zoelva.

July 8, 2022

Constitutional Court won an Unqualified Opinion (WTP) on the Constitutional Court Financial Report for Fiscal Year 2021 and recorded the 16th year in a row. Announcement of the WTP Opinion was held at the Submission of the Audit Results Report (LHP) on the 2021 Constitutional Court Financial Report, on Friday (8/7/20222). Member III of Financial Services Authority/ BPK Achsanul Qosasi directly submitted the Report on Submission of Audit Results (LHP) on the Financial Report of the MK for the 2021 academic year to the Chief Justice of the Constitutional Court, Anwar Usman who was accompanied by the Secretary General of the Constitutional Court M. Guntur Hamzah.

August 18, 2022

Constitutional Court attended the Board of Members Meeting (BoMM) which was part of the 5th Congress of the Association of Asian Constitutional Courts and Equivalent Institutions (AACC) on Thursday (8/18/2022) online. The activity organized by the Mongolian Constitutional Court in Ulaanbaatar was attended by several participating countries, including Indonesia, South Korea, Turkey, Thailand, Mongolia, and Malaysia.

September 6, 2022

To improve employee development and quality programs, the Constitutional Court (MK) and Maastricht School of Management (MSM) agreed to extend their collaboration. The signing of the memorandum of understanding was carried out virtually on Tuesday (9/6/2022).

September 29, 2022

The MK received the WTP award at least 15 times for the Constitutional Court Financial Report for the 2021 academic year. The Minister of Finance of the Republic of Indonesia Sri Mulyani handed over the award directly to the Secretary General of the Constitutional Court M. Guntur Hamzah on Thursday (9/22/2022) at the Dhanapala Building, Ministry of Finance, Jakarta.

6 September 2022

To improve employee development and quality programs, the Constitutional Court (MK) and Maastricht School of Management (MSM) agreed to extend their collaboration. The signing of the memorandum of understanding was carried out virtually on Tuesday (9/6/2022).

14 September 2022

In the context of compiling the grand design of constitutional justice technology, the Constitutional Court held a Focus Group Discussion (FGD) with the theme Strengthening Modern Judicial Technology at the Constitutional Court in a hybrid manner, both offline and online, on Wednesday (9/14/2022). This activity was attended by 81 structural and functional officials who were representatives of the Constitutional Court Work Unit and 9 external participants from PT Daya Makara University of Indonesia (UI).

October 5, 2022

President Joko Widodo (Jokowi) officially opened the 5th Congress of The World Conference on Constitutional Justice (WCCJ) on Wednesday (5/10/2022) evening at the Bali Nusa Dua Convention Center (BNDCC), Bali. In front of participants from 95 countries and 4 organizations, Jokowi called for the need to establish peace in dealing with crises facing the world and upholding constitutional justice.

September 29, 2022

Two cases were partially granted, namely Case Number 37/PUU-XX/2021 concerning the judicial review of the Job Creation Law and Case Number 85/PUU-XX/2022 concerning the judicial review of the Head Regional Election Law related to the Constitutional Court's authority in deciding disputes over regional head election results to become permanent.

October 5, 2022

On the sidelines of the 5th Congress of the World Conference on Constitutional Justice (WCCJ), the Indonesian Constitutional Court (MKRI) held a bilateral meeting with some delegates from the Constitutional Courts of the countries participating in the Congress. On the first day of the Congress, Chief Justice Anwar Usman had a friendly meeting with Chief Justice of the Supreme Court of Namibia Peter S. Shivute at the Bali Nusa Dua Convention Center (BNDCC), Bali, on Wednesday (10/5/2022) afternoon.

October 4, 2022

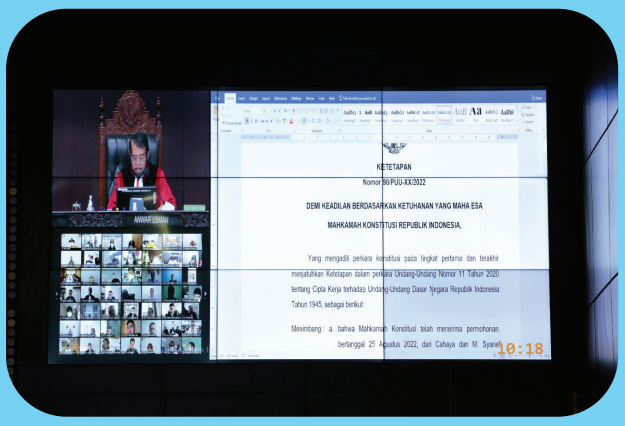
In a joint conference between the Association of Asian Constitutional Courts and Equivalent Institutions (AACC) and the Conference of Constitutional Jurisdictions of Africa (CCJA), the two agreed on a joint statement on Tuesday (10/4/2022) at the Bali Nusa Dua Convention Center (BNDCC), Bali.

October 19, 2022

Constitutional Court submitted static archives to the National Archives of the Republic of Indonesia (ANRI) on Wednesday (19/10/2022). The handover was given by the Secretary General of the Constitutional Court M. Guntur Hamzah and received by the Head of ANRI Imam Gunarto at the ANRI Jakarta Building. This symbolic submission of Archives was accompanied by the signing of the Minutes of Handover of Static Archives from the Constitutional Court to the National Archives of the Republic of Indonesia.

October 31, 2022

Three cases were partially granted, namely Case Number 28/PUU-XX/2022 concerning the judicial review of the Criminal Procedure Code; Case Number 68/PUU-XX/2022 concerning the judicial review of the Election Law; and Case Number 91/PUU-XX/2022 concerning the judicial review of the Advocate Law.



October 31, 2022

The 2022 Recharging Program was officially opened by the Head of the Legal and Administrative Bureau of the Constitutional Court Tatang Garjito in the presence of the Deputy Ambassador of the Republic of Indonesia, Fredi Panggabean, as well as representatives from The Hague University of Applied Sciences (THUAS) consisting of the Dean of the Faculty of Public Management, Law, and Security-Liduine Bremer, Legal Program Director-Claire Moore, Michail Vagias, and Joost de Langen. The opening ceremony took place on Monday (31/10/2022) in the presence of seven elected employees of the Constitutional Court (MK).

November 11, 2022

The Constitutional Court together with the People's Consultative Assembly (MPR), the Corruption Eradication Commission (KPK), and Tanjungpura University held a Gen-Z Talkshow "Gen-Z Talk about Actual Issues of the Nation", on Friday (11/11/2022) at Tanjungpura University Pontianak. The Gen-z talk show is a series of the 2022 Constitution and Anti-Corruption Festival.

November 23, 2022

Constitutional Court officially launched the Computer Security Incident Response Team or the Cyber Threat Response Team for the Clerk's Office and the Constitutional Court General Secretariat, on Wednesday (23/11/2022) morning in the Hall of the MK Building, Jakarta. The launch of the team was a collaboration between the Constitutional Court and the National Cyber and Crypto Agency (BSSN).

November 13, 2022

Mekar Sari Village was confirmed as a Constitutional Village, on Sunday (13/11/2022), at the Mekar Sari Village Hall, Sungai Raya, Kubu Raya, West Kalimantan. The inauguration of the Constitutional Village is part of the Constitutional Court's efforts to build a role model in upholding the Constitution.

November 30, 2022

The Court emphasized that legislative candidates who are former convicts are required to disclose their status to the public as stated in Decision Number 87/PUU-XX/2022 concerning the judicial review of the Election Law which was partially granted.

November 23, 2022

M. Guntur Hamzah took the oath of office as a Constitutional Justice before Indonesian President Joko Widodo on Wednesday (11/23/2022) at the State Palace, Jakarta.

December 5, 2022

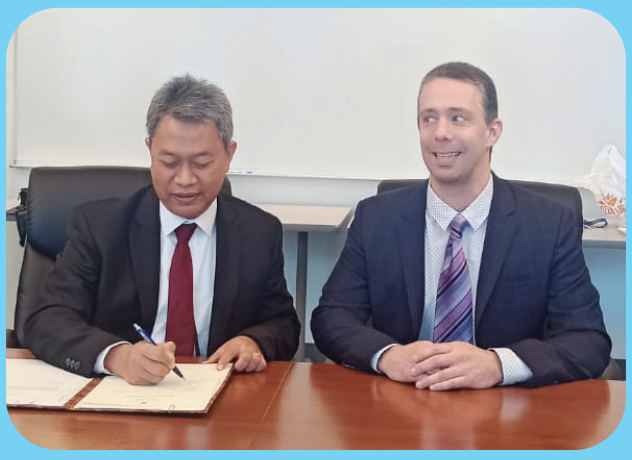
To increase the capacity and capability of human resources, the Constitutional Court collaborated with the National Center for State Court (NCSC) through the signing of a Memorandum of Understanding (MoU) on Monday (12/5/2022) in Arlington, Virginia, United States.

December 14, 2022

Constitutional Court received the 2022 Public Information Commission Award (KIP) as an Informative Category Public Agency with a score of 92.96. The award was handed over directly by the Head of the Research and Documentation Division, Rospita Vici, to Plt. Constitutional Court Secretary General Heru Setiawan, on Wednesday (14/12/2022) at the Atria Hotel Gading Serpong, Tangerang, Banten.

8 Desember 2022

William and Mary Law School secara resmi menjadi mitra kerja sama MKRI di Amerika Serikat. Hal tersebut ditandai dengan penandatanganan Memorandum of Understanding (MoU) oleh Heru Setiawan selaku Plt. Sekjen MK dan Prof. A. Benjamin Spencer sebagai Dekan William and Mary Law School pada Kamis (8/12/2022) di Williamsburg, Virginia, Amerika Serikat.



December 15, 2022

In commemoration of its 19th anniversary, the Constitutional Court held a Launching of 33 Book Titles and Book Review on Thursday (15/12/2022) in the Hall of Building 1 Constitutional Court.

December 24, 2022

The Constitutional Court of the Republic of Indonesia and five other working committee countries (Turkey, Pakistan, Gambia, and Algeria) signed the statute of the formation of the Conference of Constitutional Jurisdictions of the Islamic World (CCJ-I) on Saturday (212/4//2022) in Istanbul, Turkey.

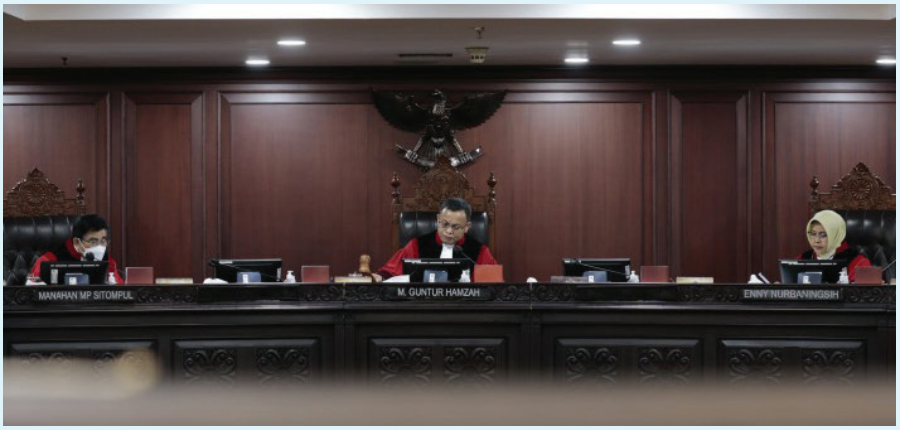
December 20, 2022

Two cases were partially granted, namely Case Number 70/PUU-XX/2022 regarding the judicial review of the Prosecutor's Law and Case Number 80/PUU-XX/2022 regarding the judicial review of the Election Law.

JUDICIAL REVIEW DECISIONS IN DECEMBER 2022

No.	Case Number	Case Subject	Petitioners	Decision	Date	Decision vLink
1	113/PUU-XX/2022	Formal and Material Judicial Review of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection against the 1945 Constitution of the Republic of Indonesia	Hj. Merry, S. Ag.	Withdrawn	December 20, 2022	Click Decision
2	70/PUU-XX/2022	Judicial Review of Law Number 11 of 2021 concerning Amendments to Law Number 16 of 2004 concerning the Attorney General of the Republic of Indonesia against the 1945 Constitution of the Republic of Indonesia	H. Irnensi, S.H., M.H., Dr. Zulhadi Savitri Noor, S.H., M.M., Wilmar Ambarita, S.H., M.Sc., Dra. Renny Ariyani, S.H., M.H., LLM., and Dra. Indrayati H S., S.H., M.H.	Grant the Petition partially		Click Decision
3	80/PUU-XX/2022	Judicial Review of Law Number 7 of 2017 concerning General Elections against the 1945 Constitution of the Republic of Indonesia	Association for Elections and Democracy (Perludem), which in this case was represented by Khoirunnisa Nur Agustyati as Chairperson of the Perludem Foundation and Irmalidarti as Treasurer	Grant the Petition partially		Click Decision
4	96/PUU-XX/2022	Judicial Review of Law Number 8 of 1981 concerning Criminal Procedure Code against the 1945 Constitution of the Republic of Indonesia	Rudy Hartono Iskandar	Denied the Petitioner's application in its entirety		Click Decision

5	82/PUU-XX/2022	Formal Judicial Review of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations against the 1945 Constitution of the Republic of Indonesia	Dr. Ismail Hasani, S.H., M.H. (Petitioner I); Dr. Laurensius Arliman S., S.H., M.H., M.M., M.Kn., M.Si. (Petitioner II); Bayu Satria Utomo (Petitioner III); The Congress of the Alliance of Indonesian Trade Unions (KASBI), represented in this case by Nining Elitos as Chairperson, and Sunarno, S.H. as Secretary General (Petitioner IV); and the Indonesian Legal Aid Foundation (YLBHI), in this case, represented by Muhamad Isnur, S.H.I. as General Chairperson, and Zainal Arifin, S.H.I. as Head of Advocacy and Networking (Petitioner V).	Denied in its Entirety		Click Decision
6	104/PUU-XX/2022	Judicial Review of Law Number 2 of 2002 concerning the Indonesian National Police against the 1945 Constitution of the Republic of Indonesia	Sandi Ebenezer Situngkir, S.H., M.H.	Unacceptable		Click Decision
7	106/PUU-XX/2022	Judicial Review Number 36 of 2009 concerning Health against the 1945 Constitution of the Republic of Indonesia	Rega Felix	Denied in its Entirety		Click Decision
8	107/PUU-XX/2022	Judicial Review of Law Number 14 of 1985 concerning the Supreme Court and Law Number 5 of 2004 concerning Amendments to Law Number 14 of 1985 concerning the Supreme Court against the 1945 Constitution of the Republic of Indonesia	Karminah	Denied in its Entirety		Click Decision



PETITIONER REQUESTS THE TERM OF OFFICE OF KPUD MEMBERS BE EXTENDED UNTIL AFTER THE ELECTION

The terms of office of thousands of members of the Regional Elections Commission (KPUD) at the province and regency/city levels will expire in 2023-2024, potentially disrupting the 2024 Simultaneous General and Regional Elections.

In 2023, 136 Provincial KPU members will reach the end of their term, followed by 49 members in 2024 and 5 members in 2025. On the other hand, there will be a total of 1,585 Regency/City KPU members whose term will end in 2023, 980 members in 2024, and 5 members in 2025.

This was the main point of the judicial review petition of Article 10 paragraph (9) of Law No. 7 of 2017 on General Elections (Election Law) filed by entrepreneur Dedi Subroto (Petitioner I), advocate Bahrain (Petitioner II), and the Center for Strategic and Indonesian Public Policy/CSIPP (Petitioner III). The first hearing for case No. 120/PUU-XX/2022 took place on Monday, December 19, 2022, and was presided over by Constitutional Justices M. Guntur Hamzah, Manahan M. P. Sitompul, and Enny Nurbaningsih.

The petitioners, through their legal counsel Ikhwan Fahrojih, questioned the reduction of the term of office of the Provincial, Regency/City General Election Commission (KPU) members with the simultaneous recruitment in preparation for the 2024 Simultaneous Elections. The Petitioners believe this violates the principle of legality since those members were inaugurated for a five-year term. In addition, the selection of KPU members at the same time as the implementation of the election stages has the potential to disrupt the course of the election stages. Furthermore, the selection of those members, which overlaps with the election process, potentially disrupts the election process and leads to higher election costs since the state must compensate the dismissed KPU members while still paying for the salaries of current KPU members.

Constitutional Justice Manahan MP Sitompul advised the Petitioners to revise the Constitutional Court Regulation (PMK) to ensure that both formal and material review is included after considering their request. Additionally, the Petitioners must mention the norms being petitioned and the touchstones in full as outlined in the 1945 Constitution. Meanwhile, Constitutional Justice Enny Nurbaningsih highlighted the Petitioners' legal standing, where they should explain the rights harmed due to the law's enactment. Primarily the requirements of constitutional loss were granted by the 1945 Constitution with the assumption that the Petitioners had constitutional losses. Constitutional Justice M. Guntur Hamzah, as panel chair in the session, emphasized the importance of providing a detailed explanation for the constitutional impairment that is being contested against Article 10 paragraph (9) of the Election Law. The petition should also include strong evidence showing how the KPU members were selected or recruited. (Sri Pujianti/Nur.R/Muhammad Halim)

ADVOCATE CHALLENGES PROVISION ON DEFAMATION IN LATEST CRIMINAL CODE

Zico Leonard Djagardo Simanjuntak, an advocate by profession, was once sued by Grab Indonesia, who even appealed the high court's appeal decision to the Supreme Court for defamation. The incident compelled Zico to request the judicial review of Article 433 paragraph (3), Article 434 paragraph (2), and Article 509 letters a and b of Law No. 1 of 2023 on the Criminal Code (KUHP) against Article 28D paragraph (1) of the 1945 Constitution to the Constitutional Court (MK). The preliminary hearing for case No. 1/PUU-XXI/2023 was held on Thursday, January 12, 2023, and was presided over by Constitutional Justice Suhartoyo, Constitutional Justice Arief Hidayat, and Constitutional Justice Enny Nurbaningsih.

Zico (Petitioner), through his attorney Rustina Haryati, explained that in August 2019, when he was still a university student at FHUI, he had joined a challenge organized by Grab Indonesia and won a one-million-rupiah reward. He completed the challenge, but he didn't receive the reward. The company kept promising to give the reward but never did.

Further, on Tuesday, September 3, 2019, through legal counsel David Tobing, the Petitioner filed a lawsuit to the Central Jakarta District Court. The media covered the lawsuit and asked Grab Indonesia for confirmation but did not get any response, although the company contact had read their messages. The next day, on Wednesday, September 4, 2019, Grab suddenly gave the Petitioner the reward in question to the Petitioner's Grab account. Since then, the Petitioner has not filed any further legal action on the issue. However, on February 5, 2020, he received a legal notice from Grab Indonesia through their legal counsel, Rajamada & Partners, which claimed that he had defamed the company and it sought One Billion Rupiah compensatory damages.

He ignored the notice. The company then filed a lawsuit to the West Jakarta District Court on March 10, 2020, with case number 191/Pdt.G/2020/PN Jkt.Brt, where it sought 500 million compensatory damages for the legal services offered by Rajamada & Partners (show proof of transfer, but they did not show the tax receipt in court. The Petitioner feels that this lawsuit was far-fetched and filed only to criminalize him.

Despite having their lawsuit rejected by both the district court and high court, the company did not give up and decided to file a cassation appeal which was also rejected on December 6, 2022. These legal proceedings demonstrate that the Petitioner is a responsible citizen who acted with good intentions, despite being accused of libel by a large company.

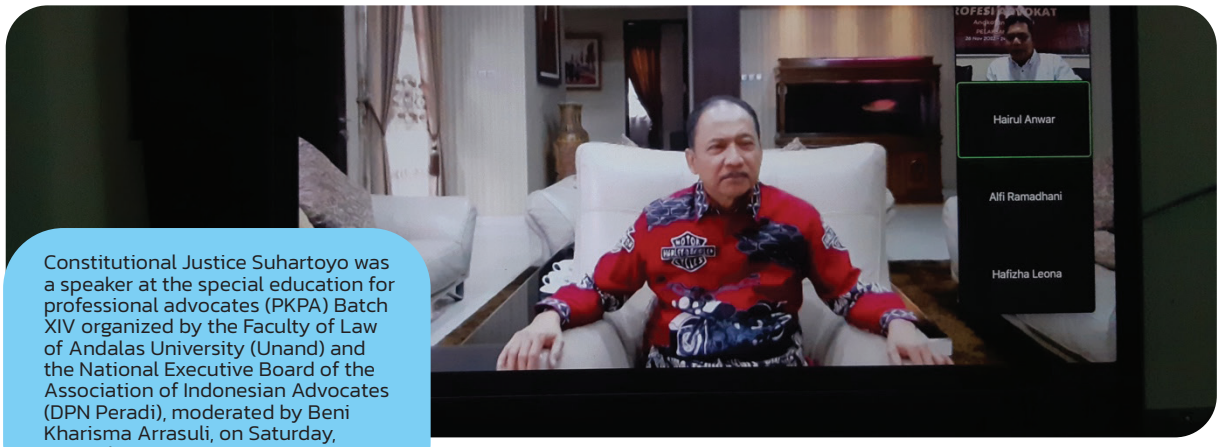
Constitutional Justice Enny Nurbaningsih has pointed out that the petition lacks clarity regarding its object and suggested that it should be clarified. Additionally, she has pointed out that the Criminal Code, which is the subject of the petition, will come into effect three years after its promulgation.

Meanwhile, Constitutional Justice Arief Hidayat pointed out that the Court's jurisdiction is limited to the old Criminal Code and does not include the new one being petitioned, which is not yet in effect and binding for citizens until three years. Hence, Justice Hidayat anticipates that the Petitioner will raise arguments regarding the Court's authority over the case. He also advised the Petitioner to understand the potential and actual impairment due to the enactment of the a quo law. Next, Constitutional Justice Suhartoyo added that the articles being challenged essentially have the Constitutional Court's stance on criminal policy, which must be settled with the legislatures. (Sri Pujianti/Nur.R)

CONSTITUTIONAL JUSTICES DISCUSS THE PROCEDURAL LAW OF THE CONSTITUTIONAL COURT

Closing 2022 and starting 2023, Constitutional Justices invite PKPA participants to better understand the procedural law of the Constitutional Court. Here's a preview of constitutional justices sharing their knowledge with students and participants in online and offline discussions.

Procedural Law of Judicial Review for PKPA FH UNAND



Constitutional Justice Suhartoyo was a speaker at the special education for professional advocates (PKPA) Batch XIV organized by the Faculty of Law of Andalas University (Unand) and the National Executive Board of the Association of Indonesian Advocates (DPN Peradi), moderated by Beni Kharisma Arrasuli, on Saturday, December 24, 2022.

Hukum Acara MK dalam PKPA Peradi Jakbar-Ubhara Jaya

Hakim Konstitusi Daniel Yusmic P. Foekh menjadi pemateri Pendidikan Khusus Profesi Advokat (PKPA) Angkatan XX. Kegiatan ini terselenggara atas kerja sama DPC Peradi Jakarta Barat dengan Universitas Bhayangkara Jakarta Raya (Ubhara Jaya) pada Sabtu (14/1/2023) di Hotel Amaris, Slipi, Jakarta Barat. Di hadapan para peserta kuliah baik daring maupun luring ini, Daniel membahas materi berjudul "Hukum Acara Mahkamah Konstitusi".

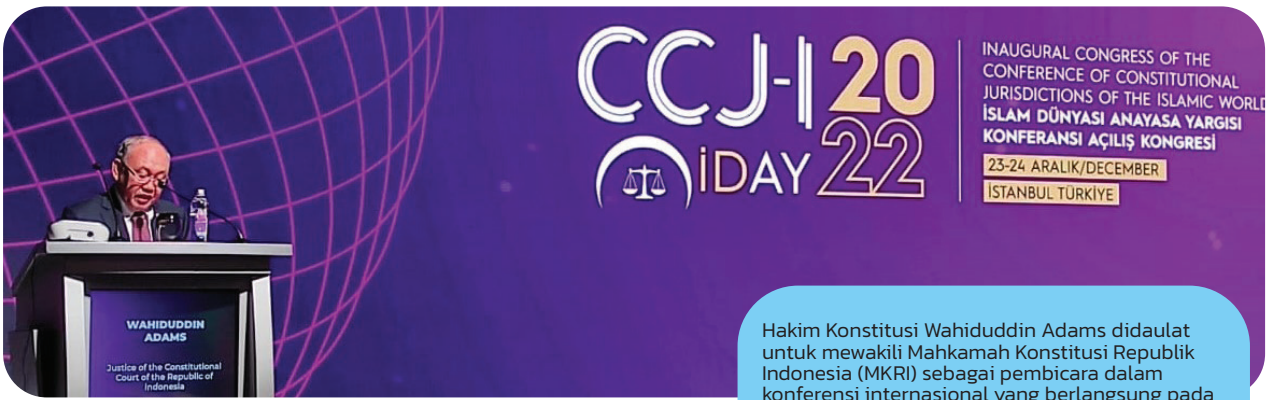
MK PERKUAT KERJA SAMA LEMBAGA MELALUI LAWATAN INTERNASIONAL

MK melakukan kunjungan ke beberapa negara sahabat guna memperkuat kerja sama lembaga. Berikut potret para hakim konstitusi dalam lawatan internasional ke Turki dan Malaysia.

Anjangkarya ke Turki, Hakim Konstitusi Ditanya tentang KUHP Baru

Delegasi Mahkamah Konstitusi Republik Indonesia (MKRI) yang dipimpin oleh Ketua MK Anwar Usman dan Hakim Konstitusi Wahiduddin Adams melakukan anjangkarya ke Konsulat Jenderal Republik Indonesia di Istanbul, Turki pada Kamis (22/12/2022). Dalam pertemuan dengan Konsuler Jenderal RI Imam As'ari mengajukan pertanyaan mengenai isu terkini dalam kaitannya dengan penerbitan KUHP yang baru saja disetujui dalam sidang paripurna DPR kepada para hakim konstitusi.

MKRI Berbagi Pengalaman Soal Model Pengujian Konstitusional



Hakim Konstitusi Wahiduddin Adams didaulat untuk mewakili Mahkamah Konstitusi Republik Indonesia (MKRI) sebagai pembicara dalam konferensi internasional yang berlangsung pada Jumat (23/12/2022) di Istanbul, Turki.

Konferensi Yurisdiksi Konstitusional Bagi Negara-Negara Islam

Ketua Mahkamah Konstitusi Republik Indonesia (MKRI) Anwar Usman bersama Hakim Konstitusi Wahiduddin Adams, memenuhi undangan Mahkamah Konstitusi Turki dalam pelaksanaan kegiatan Konferensi Internasional MK negara-negara muslim sekaligus inagurasi terbentuknya *platform* organisasi yang diberi nama *Conference of Constitutional Jurisdictions of the Islamic World* (CCJ-I). Kegiatan yang berlangsung pada Jumat – Sabtu (23 – 24/12/2022) di Istanbul, Turki, terdapat tiga kegiatan utama yang diikuti oleh delegasi MKRI. Kegiatan tersebut, yakni simposium, pembahasan statuta CCJ-I yang dilakukan oleh komite kerja yang terdiri dari 5 negara (Indonesia, Turki, Pakistan, Gambia, dan Aljazair), serta kegiatan inagurasi diikuti dengan penandatanganan statuta oleh MK negara-negara Islam yang menjadi peserta dalam acara simposium.

MKRI Attends Opening of Legal Year 2023

The delegation of the Constitutional Court of the Republic of Indonesia (MKRI), led by Chief Justice Anwar Usman, was invited by the Federal Court of Malaysia to attend the opening of the Legal Year of 2023, which was held on Monday, January 9, 2023, at Putrajaya International Convention Centre, Putrajaya, Malaysia. This event was attended by all law enforcement officials within the judiciary of Malaysia—the Subordinate Courts, High Courts, Court of Appeal, and the highest Federal Court. The Chief Justice of the Constitutional Court, who was present as a guest of honor, had the opportunity to have a brief conversation with Chief Justice Tengku Maimun Tuan Mat.

Constitutional Court Celebrates Christmas and New Year

The Christmas and New Year celebration of the Constitutional Court (MK) went smoothly on Thursday afternoon, January 12, 2023, at the Court's Delegation Room. The event was attended by Christian staff members, the Chief Justice of the Constitutional Court Anwar Usman, Constitutional Justice Arief Hidayat, Constitutional Justice Manahan MP Sitompul, Constitutional Justice Daniel Yusmic Pancastaki Foekh, Constitutional Justice Wahiduddin Adams, Constitutional Justice Saldi Isra, Constitutional Justice Suhartoyo, Constitutional Justice Enny Nurbaningsih, Constitutional Justice M. Guntur Hamzah, and Acting Secretary General of the Constitutional Court Heru Setiawan. Former Constitutional Justice Maria Farida Indrati (2008-2018), former Chief Registrar Kasianur Sidauruk, and Gregorius Seto Hariyanto of the Constitution Forum also attended the event.

HIFTING STANCES WHEN INTERPRETING THE CONSTITUTION (IS IT ALLOWED?)

BISARIYADI
Expert Assistant of Constitutional Justice

To fully understand the author's intention, it is best to begin this article by presenting two case examples before addressing the main question stated in the title.

First is in the case of the interpretation regarding restrictions on ex-convicts running for elected (not appointed) political positions, such as legislative members and regional heads. The norms that govern the qualifications required to run for office generally include the phrase "having not been criminally punished by a verdict of a court with a fixed legal power due to committing a criminal act punished by incarceration of 5 (five) or more years." This norm is present in both the Election Law and Regional Government Law, which govern regional head elections. There are four Constitutional Court rulings that are particularly relevant to examine the limitations on the right to be elected.

In 2007, the Constitutional Court made a ruling (see Decision 014-017/PUU-V/2007) stating that the limitations on running for public office do not apply in cases of (i) minor negligence leading to criminal offense (*culpa levis*), (ii) criminal offenses resulting from certain political reasons, and (iii) positions that require different qualifications.

Shortly after, in 2009, the Constitutional Court issued another decision (see Decision 4/PUU-VII/2009) that provided a clearer explanation of restrictions for the right to be elected. The restriction requirements for convicts to run for public office are (i) not applying to elected officials; (ii) a minimum of five years passing after serving their time as a convict by a verdict of a court with a binding legal power; (iii) being open and honest of their status as a former, and (iv) not being a repeat offender.

In 2015, the Constitutional Court changed the restrictions on ex-convicts' right to be elected by loosening the limitation requirements. The previous four cumulative requirements were replaced with a single requirement that mandated the ex-convict to openly and honestly disclose their status as a former convict. These changes were outlined in Decision Number 42/PUU-XIII/2015.

The year 2019 saw the Constitutional Court impose stricter conditions for limiting the right of convicts to run for public office. The new requirement was cumulative, not alternative. Furthermore, the Court also introduced a five-year waiting period after serving as a convict for ex-convicts to be eligible for public office (see Decision 56/PUU-XVII/2019).

The second case example is in the interpretation of the Constitutional Court's authority to hear cases related to the results of regional head elections. The main question was whether these elections fall under the category of general elections as stated in Article 22E of the 1945 Constitution. In relation to this issue, there are three decisions that are of concern.

In 2004, the Constitutional Court ruled that direct regional elections were not considered part of the election category (see Decision 072-073/PUU-II/2004).

However, the Court left open the possibility that the Constitutional Court could resolve disputes over election results if the legislator mandated it in the law.

By 2013, however, the Constitutional Court explicitly stated that elections must be interpreted narrowly only to include the election of members of the DPR, DPD, President, and DPRD (see Decision 97/PUU-XI/2013). Thus, regional elections were excluded from the electoral regime.

In 2022, the Court changed its stance and stated that regional

elections must be interpreted as part of elections (see Decision 85/PUUXX/2022). Thus, the Constitutional Court should take over the authority to resolve disputes over election results, and it is no longer necessary to establish a special judicial body.

From the two case examples above, it should be noted that due to the technical limitations in this short article, it is possible to make hasty conclusions. There is a lack of elaboration on the debates amongst the panel of judges, especially on the dissenting opinion in these decisions is one such limitation.

However, the limitations in this article can be a blessing for readers. At the very least, there is motivation to conduct further research on the mapping of Constitutional Court decisions in which the panel of judges changed their stance. This is most likely not limited to the two illustrations above, leaving plenty of room for in-depth research. According to the author's cursory reading, no research in Indonesia has addressed this issue.

Back to the Title

From the two cases above, it can be seen that the shift in stance when interpreting the Constitution is a fact. The question posed in the title emphasizes the word "allowed." Can a judge or the Constitutional Court (as an institution) change its stance in interpreting a constitutional norm?

The short answer is, "It is permissible." The judiciary can change its previous decision on the same issue and turn its course to lead to a new form of interpretation, not only as an institution but also as an individual judge. Judges can and do change their stance.

Imam Syafii, a prominent figure in Islamic law during 767-820 AD, introduced the concepts of *qaul qadim* and *qaul jadid*. He underwent a significant paradigm shift, where his previous fatwas (*qaul qadim*) evolved into new opinions (*qaul jadid*). This was due to his personal development and societal changes. It is stated in Imam Syafii's biography that he initially resided in Baghdad, Iraq. Imam Syafii practiced a great deal of ijtihad during his time in Baghdad. He later moved to Egypt, which became a defining moment in the transition from *qaul qadim* to *qaul jadid*. This was also influenced by the different students he had in each location who spread his ideas. Not all of Imam Shafii's students in Iraq moved to Egypt.

Since 1776, the United States of America has been a modern country with a rich history of governance that includes the administration of judicial power. A noteworthy example occurred when the highest level of the judiciary made landmark decisions that altered the direction of its jurisprudence. In 1973, the Supreme Court ruled on Roe v. Wade, a case that challenged a woman's right to an abortion. This decision is considered a significant ruling in the legal system of the United States. However, in 2022, the Supreme Court, in the case of Dobbs v. Jackson Women's Health Organization, changed its stance on the legal jurisprudence built on the foundation of the Roe v. Wade case.

The practice of changing precedent in United States Supreme Court decisions is not limited to this one case. On the official website of the United States Congress, there is one of the features containing a list of previous Supreme Court decisions that were overruled by more recent decisions (see https://constitution.congress.gov/resources/decisions-overruled/).

Therefore, changing or altering one's stance when interpreting the Constitution is permissible. However, "legitimate" does not imply that the judiciary or judges can change their stance anytime. Being firm in one's stance is a highly valued character trait in a person. The same holds true for a judge's decision-making. Moreover, in the legal field, the concept of "precedent" is crucial for maintaining consistency with past decisions.

The term "consistency" is the key word, as it brings about legal certainty. Imagine if the judiciary were to lack consistency and make decisions that constantly change direction; chaos would inevitably ensue. When the highest courts of the legal system, such as the Supreme Court and Constitutional Court, make wishy-washy or inconsistent decisions, the legal system cannot function effectively. Therefore, it is "acceptable" to change one's stance, but not frequently or abruptly.

The measure of consistency is crucial, especially in the reflection of legal realism. Roscoe Pound, a

prominent figure in the realist school, famously stated that law is a tool for social engineering. Court decisions form part of the legal system that serves as a blueprint or guide for shaping society's life and dynamics. The school of legal realism holds that law evolves from societal development and experience, which is then formalized through legal instruments like court decisions and legislation. These instruments, in turn, are shaped and refined by societal changes and movements. Legal institutionalization can sometimes be incompatible with societal development. In other words, social engineering through law fails because it does not accurately reflect societal development. Or because the law changes so quickly that it lacks stability and certainty.

This is possible because, according to Pound's analysis in his article "What of Stare Decisis?" (1941), the authority of the law has two characteristics. Pound describes two characteristics of law's authority: binding authority, which is enforced through coercion, and persuasive authority, which relies on the reasoning within the law.

Then, what circumstances can prompt judges and judicial institutions to change their stance, especially when interpreting constitutional norms? At first glance, the dissenting opinion of Justice Palguna and Justice Suhartoyo, presented jointly in Decision 42/PUU-XIII/2015, provides a potential answer. In this opinion, the two judges disagreed with the majority group's decision to change their stance on limiting the right to be elected for ex-convicts stating that *"... to date, there has been no fundamental constitutional reason for which there is a need for the Court to change its stance."*

Legitimacy to Change Stance

According to Palguna and Suhartoyo, the Constitutional Court must have a "fundamental constitutional reason" in order to change its stance from previous decisions. However, they do not provide any specific criteria for what qualifies as "fundamental constitutional reason."

Nonetheless, their statement implies that a valid argument must support any change in constitutional interpretation and cannot be made abruptly.

Argumentation or reasoning is a tool that the court can use to gain legitimacy. Courts do not have the luxury of legislative institutions like parliaments, which gain legitimacy by claiming that their membership is based on representative mechanisms. The legitimacy of a legal product (legislation) issued by the legislature is on behalf of the mandate of the people's representatives. Membership of the panel of judges is obtained through an appointment in court. Therefore, the judiciary relies on the power of reasoning as outlined in legal considerations when making decisions.

Law that falls under social science's umbrella differs significantly from natural sciences. Unlike natural sciences, where experiments are performed to discover absolute truths, legal theories, and experiments do not always lead to certainty, particularly in constitutional interpretation.

In law, especially in the realm of constitutional interpretation, there are no straightforward solutions such as the simple mathematical equation of "1+1," which always equals "2." For example, the question of whether regional head elections fall within the scope of the electoral regime. Both answers, stating that they are included or not included, can be considered correct. Therefore, legal science focuses on the justification that serves as an argument to reach a conclusion.

When legal scholars or judicial institutions claim that regional head elections do not qualify as elections, it is crucial to examine the underlying argument that supports this stance. One should inquire about the justification for their stance, not necessarily whether it is correct. Furthermore, it is important to evaluate whether their argument is constructed logically and sequentially or if it contains fallacies and loopholes that can easily be criticized.

If that stance has become the official interpretation that regional head elections are not an election. Then, that stance is built on a strong argumentation basis and officially confirmed as a judicial decision, and it becomes difficult for future judges to change this stance. There are two jobs that need to be done in order to change the stance in the previous decision. First, the panel of judges must articulate the reasons why it is necessary to modify the existing stance. Second, the panel of judges must construct a stronger argumentation than the previous decision to convince that there is a need to change the stance.

Theoretically, there is an article by Michael J. Gerhardt

entitled "The Role of Precedent in Constitutional Decision-making and Theory" (1991). Gerhardt proposes the theory that there is, in fact, a precedent or ("jurisprudence" in the more popular term in Indonesia) that is durable and has immunity, making it difficult to change.

In his article, Gerhardt reveals that there are three reasons a precedent becomes difficult to change, *"A precedent does not achieve permanency solely because it performs a historical or structural function. Rather, it achieves such status when its structural function combines with its age (or historical purpose), social or institutional reliance, or political acceptance."* (1991: 87-88)

Court decisions that have the factors of (1) fulfill structural and historical functions; (2) have social and institutional reliance; and (3) are politically accepted by the public, making it difficult to change. These three factors are cumulative. Therefore, a contrario, if one of the factors is not fulfilled, there is a high probability that the decision will be changed to a more favorable stance by taking into account more contemporary societal dynamics.

When associated with Palguna and Suhartoyo's different opinions on "fundamental constitutional reasons," these three factors can be the parameters.

The Constitutional Court may change its stance on regional head elections being included in elections because its previous stance that regional head elections are not elections does not qualify as a precedent that has immunity from being changed. The stance was changed because there was an implication that by including regional head elections as elections, the Constitutional Court would have the authority to resolve disputes over the results.

However, the factors mentioned above are external factors. It is possible that internal factors also caused the change in stance. The justification for changing one's stance comes from the different interpretative methods used.

Different Methods, Different Interpretations

Experts have developed various methods of legal interpretation. The approach is either literal or textual, or contextual by including the history of the formulation of the rule of law by examining treatises on its discussion. Furthermore, there are those who look at it by emphasizing the purpose of the law's formation so that the interpretation carried out is adapted to the goals to be achieved.

Diversity of interpretation is often associated with legal schools. Thus, for the sake of harmony, a person who believes in a particular school of law also believes in a particular method of interpretation. Sometimes, the compatibility between the method and one's legal views leads to ideological matters. Justice Antonin Scalia is well-known for his conservative views and approaches to constitutional interpretation based on originalism. Scalia even explicitly rejected other interpretive approaches when interpreting the Constitution.

The factions of these legal schools are not noticeable in Indonesia. There is one interesting case that may have gone unnoticed by the public. In judicial review cases, many Petitioners cite Article 28H paragraph (2) of the 1945 Constitution, which reads, *"Every person is entitled to receive ease and special treatment in order to obtain the same opportunity and benefit in order to achieve equality and justice"* as a touchstone. The reasoning used by the petitioners is that the Constitution guarantees protection that everyone is entitled to receive ease and special treatment.

The phrase "every person" in Article 28H paragraph (2) of the 1945 Constitution literally means all citizens regardless of gender or age. In other words, "every person" includes all Indonesian citizens, men and women, children, adults, or the elderly, with the same rights.

However, an originalist approach, by taking into account the discussion of the formulation of Article 28H paragraph (2) of the 1945 Constitution conducted by the MPR, reveals a different meaning. In the discussion, the guarantee of protection of the right to ease and special treatment is addressed only to certain groups, such as the elderly, pregnant women, disabled people, women, children, or other vulnerable groups. Interpretation with an originalism approach was adopted by the Constitutional Court in Decision No. 1/PUU-XV/2017. Therefore, the phrase "every person" in Article 28H paragraph (2) does not apply to all people but only to certain groups.

This article must come to an end at this point. Changes in stance when interpreting the Constitution should not be avoided or abandoned. There is an opportunity for the panel of judges to shift their stance, but there are important rules to follow.

DYNAMICS OF NATIONALITY, DEMOCRACY, PLURALISM, COLLECTIONS OF ACTUAL POLITICAL ETHICS

OLEH: DR. WILMA SILALAHI, S.H., M.H.

BOOK TITLE: KEBANGSAAN, DEMOKRASI, PLURALISME, BUNGA RAMPAI ETIKA POLITIK AKTUAL

AUTHOR: FRANZ MAGNIS SUSENO

PUBLISHER: PT. KOMPAS MEDIA NUSANTARA, 2015

The book titled **Kebangsaan, Demokrasi, Pluralisme, Bunga Rampai Etika Politik Aktual**/*Nationality, Democracy, Pluralism, Collections of Actual Political Ethic* states that we should never allow the pillars of civilization and humanity established by the MPR, Amien Rais, in the 1945 Constitution to be dismantled again. Inputs that must be examined include ensuring that the country is governed by democracy and guarantees human rights. These inputs ensure that it no longer

slips into the hands of a dictator and is no longer controlled by an oligarchy, whether feudal, ideological, religious, or military. Any attempt to undermine democracy and the guarantee of human rights guaranteed by the Constitution is a crime that must be fought tooth and nail. The fact that our democracy still has numerous flaws is not a justification for dismantling it but rather for strengthening it.

Opinions that echo the slogan "return to the 1945 Constitution purely and consequently." Dare to rechallenge the constitutional guarantees so that a just and civilized humanity can become a reality. If we want to be faithful to the spirit of the 1945 Constitution, we must be loyal to what was meant by the founding fathers of our country, and they expected the Constitution ratified on August 18, 1945, to be upheld and developed for the sake of a free, just and civilized nation. The book suggests we should not be persuaded to return to the past.

This book elaborates on Islam and democracy: can they go together? That many Muslim countries have or had problems with democracy cannot be disputed. And it is true that there is Islamic fundamentalism that denounces democracy in strong voices. But, and this is the decisive question: How relevant are these fundamentalist groups for the mainstream Muslim population in these countries? And what is the relevance of the fact that many Muslim countries experience difficulties with democracy?

The book describes that religious intolerance seems to be increasing and can threaten, tearing apart the unity of the nation that was once sealed by making Pancasila the basis of the state. Hardline groups want to impose their ideological views on society. For example, an anti-pornography/pornoaction bill, under the pretext of eradicating pornography (which is rampant and needs to be eradicated), would secretly forbid how most Indonesian women have been dressing for hundreds of years. The book also mentions three political class diseases, as follows: first, the state, i.e., the legislative and executive powers of the Indonesian nation, suffers from an inability to formulate a vision for the future of the nation and to communicate it to the people. The lack of vision is evident in the previous presidents, let alone in the DPR or the political parties. Society is left focused on everyday real-life concerns, with all their shortcomings, scarcity, and conflicts, in the absence of a vision that might encourage them to be heartened, to see the obstacles they encounter in a hopeful overarching perspective.

Secondly, the legislative, and especially the executive, are suffering from the so-called rabbit disease of lacking political courage. It is shameful that the government was unable to protect the people of Amadiyah against the physical persecution of violent mobs. Perhaps they are "misguided," but they are equal citizens of the nation, equally entitled to follow the teachings they believe in and equally entitled to worship according to their beliefs. They are fully entitled to legal protection. Third, corruption undermines the nation's moral, economic, and political health.

The book goes on to say that the greatest obstacle to the nation's future is the perception that the willingness to accept each other's differences, *Bhinneka Tunggal Ika* (Unity in Diversity), is diminishing. Intolerance, attempts to impose one's own view of religious law on others, and intolerance of minorities and "heretical" groups are all alarming. This requires, first, national leadership with vision and courage, capable of conveying that vision to the people, capable of bringing people back from being preoccupied with the problems of daily life, capable of restoring hope that if they are willing to struggle in a virtuous and civilized manner, they will build a promising future. Second, we need the collective determination of all national forces that still support Pancasila, the entire mainstream of the nation, religious communities, major organizations (such as NU and Muhammadiyah), NGOs, politicians, and intellectuals to remain open and willing to work together to build a better future for the nation.

This book depicts how people in Germany and the United States are willing to recognize the legitimacy of democratically elected governments that do not have an absolute majority (in the US, the elected president even lost in the number of votes). There are two reasons for this. The first is related to human rights. Human rights are guaranteed in the constitutions of all democratic countries (including Indonesia today). Democracy and human rights are inseparable because human rights guarantee that the majority principle cannot be used to harm the vital interests of the losers.

Second, the democratic system itself is highly respected in established democracies. People are willing to abide by the system's rules because they see the system as something that best supports their dignity and interests. Democracy is lived not as a means to an end but as an end in itself. As a result, they are willing to accept democratic rules even if it means being defeated. They are not hurt.

In addition, the book illustrates how Soeharto's foreign policy differed from that of his predecessor. Indonesia returned to the United Nations, re-entered the IOC, became the main sponsor of ASEAN, and supported peace in the ASEAN region. The book also covers the 16 years following the fall of the New Order. How presidential contenders who refuse to accept defeat behave. This is an example of a bad loser that also happened in 2004 and 2009 by Mrs. Megawati Soekarnoputri.

This book also discusses pluralism and the reactualization of Pancasila, as well as how Christians can be pluralistic when it comes to religion. A nation as diverse as Indonesia can be united if all of its constituents are willing to work together. Force cannot be used to maintain national unity. However, all components will want to unite only if their identities are respected. To be Indonesian, people do not have to give up

their religious, cultural, or ethnic identities. Indonesia is *Bhinneka Tunggal Ika* (Unity in Diversity), and it belongs to all of us in all of our diversity.

The book also goes into detail about pluralism, truth, and freedom. A plaidoyer for humility. Furthermore, it discusses the importance of inter-religious dialogue; 10 years of Reformation: pluralism threatened; "A Common Word That Becomes a Message," on October 13, 2007, just in time for Eid al-Fitr, 138 Muslim religious leaders sent a "Common Word between Us and You" to Pope Benedict XVI and 26 other Christian leaders; and how religion became the Indonesian nation's weak point. On September 12, 2009, the pastor and elders of the HKBP Pondok Indah Timur congregation were stabbed and beaten. This was the culmination of a trend. The congregation of about 300 people had been looking for a place to worship for the past 12 years. The local government sealed a church.

This book also includes some notes on blasphemy, interpretations/activities deviating from basic religious teachings, religious freedom, religious violence, and marriage, which is the most important, noble, loving, and profound of human attitudes. Terrorism, a religious challenge; ethics; Tibo and his friends' execution; East Timor: moral complexities; how mud and humanity can coexist in a just and civilized manner; Wayang philosophy; pornographic debate: antimony? The Pornography Bill; Pancasila state violence; the September 30 Movement; the death penalty; the war against the people; the departure of Mr. Harto; Gus Dur; ITB's perspective on the future; a national figure reprimanded some sleepy old retired officers when delivering a speech; Papua in 2012.

The book concludes by emphasizing that Indonesia's unity is the result of the Indonesian people's struggle. There are two significant events for national unity: the Youth Pledge in 1928 and Pancasila in 1945. In the Youth Pledge, the Javanese were the largest tribe in Indonesia, willing to use Malay to become Indonesian rather than Javanese for the sake of national unity. In Pancasila, the Muslim majority expressed their willingness not to be given a special position in the newly proclaimed independent Republic and to ensure that all Indonesian citizens have equal status without regard to religion.

This book is highly recommended as a reference for lecturers of all disciplines, students, legal practitioners, and the general public, particularly those who want to learn more about democracy, state administration, and political science. Don't miss it.

Happy reading!

"Science will develop along with the development of human life. Nothing can hinder self-development. Others cannot choose our style but us. Don't allow others to control the direction of our life."

TNI AND POLITICAL POSITION

LUTHFI WIDAGDO EDDYONO
Researcher at Constitutional Court

The relationship between the government and its military is always interesting to explore. Such polemics have always been in the spotlight in Indonesia following the 1998 reformation. Here is an overview of the process of amending the 1945 Constitution that has been underway since 1999.

The Commander of the Indonesian National Military (TNI), Widodo A.S., attended the 21st meeting of PAH I of the MPR on February 25, 2000. The meeting was held to learn directly from the TNI about the army's political position. During the meeting, as contained in the *Comprehensive Manuscript of the Process and Results of the Amendments to the 1945 Constitution of the Republic of Indonesia, Background, Process, and Results of the Discussion*

1999-2002, Book V, General Elections, (Jakarta: Secretariat General and Registrar of the Constitutional Court; Revised Edition, July 2010), the Commander stated that TNI agreed to improve Article 2 paragraph (1) on MPR membership.

Widodo A.S. stated the following. *"With regard to Article 2 paragraph (1), the Indonesian National Army believes that the paragraph in this article should be improved." The People's Consultative Assembly (MPR) is the highest state institution that carries the people's sovereignty. Its membership is made up of members of the House of Representatives (DPR) who represent political parties elected through elections. There are also regional representatives or delegates whose appointment is determined by regional elections. Given that Indonesia's territory consists of regions with potential, conditions, and various problems. As material for the Ad Hoc Committee I of the MPR RI Working Committee, we would like to convey our thoughts on the position, function, and role of the Indonesian National Military (TNI)....."*

Regarding the role of the TNI in the elections, Widodo A.S. emphasized that the TNI will maintain its neutrality by not exercising its right to vote as part of Indonesian citizens. Widodo A.S. emphasized as follows:

"...the Indonesian National Armed Force is determined to abandon its role in practical politics in order to fulfill its service to the nation and the state in accordance with the new paradigm. It is marked, among other things, by the TNI's neutrality in the elections and willingness to leave the DPR in 2004. TNI members, on the other hand, are the Republic of Indonesia citizens with the same political rights as the other Republic of Indonesia citizens, namely the right to vote and be elected. TNI members' rights are not used with consideration for the integrity and cohesiveness of the TNI, which is required in carrying out the task."

Furthermore, the TNI Commander responded to comments and statements from MPR members concerned about the issue. According to Widodo A.S., as quoted in the Comprehensive Manuscript, he did not exercise his right to vote solely to see an intact, solid, neutral, and professional TNI. The following are the reasons given by the TNI Commander.

"If the TNI has to choose, it will have many options. Many options will give the impression that there are factions within

the TNI, which is unfavorable. If the TNI makes its own party, it indicates it is not neutral because it will join its own party.

Therefore, the TNI does not exercise its right to vote because its interests are solidity, neutrality, and professionalism.TNI, as one of the components of the nation that wants to contribute its thoughts, participation, contribution, and so on in the framework of this state's decision-making process, does not exercise the right to vote. In fact, I am conveying my thoughts to all of you to consider how to accommodate all of this and how to organize it so that all are related to objective thoughts from all of us so that the MPR in the decision-making process can include all existing components of the nation. Because of what, exactly? State decisions made by the MPR will affect the way of life of society, nation, and state in the future, which will also have implications for what the people will experience."

Until now, the TNI has not exercised its voting rights in general elections. In relation to this matter, the Constitutional Court stated in Decision Number 22/PUU-XII/2014 that every human right, including the right to vote and be elected, can be limited and is not absolute. The restrictions regulated in the constitution are as stated in Article 28J paragraph (2) of the 1945 Constitution affirms, "In exercising his/her rights and freedoms, every person shall be subject to the limitations to be stipulated by law with the sole purpose of ensuring recognition and respect for the rights and freedoms of others and to fulfill just demands in accordance with moral considerations, religious values, security, and public order in a democratic society." Article 28J(2) of the 1945 Constitution is the concluding article of all provisions on human rights regulated in Chapter XA of the 1945 Constitution so that all human rights regulated in Chapter XA of the 1945 Constitution are subject to the restrictions set out in Article 28J paragraph (2) of the 1945 Constitution.

The Constitutional Court has assessed the importance of the neutrality of TNI (Indonesian National Army) and Polri (Indonesian National Police) members, as stipulated in Article 260 of Law 42/2008, by stating that TNI and Polri members not exercising their right to vote, in fact, recognize that they have the same right to vote as other Indonesian citizens, but the phrase "not exercising their right to vote" emphasizes the attitude that must be taken by TNI and Polri members to remain neutral. Article 260 of Law 42/2008 which states, "Members of the Indonesian National Army and members of the Indonesian National Police shall not exercise their right to vote in the 2009 Presidential and Vice Presidential Elections," according to the Court, does not provide legal certainty, because as a result, in the 2014 Presidential and Vice Presidential Elections, the a quo provision does not apply, or members of the TNI and members of the Polri can exercise their right to vote, and no longer need to maintain their neutrality. The Constitutional Court then reaffirmed the neutrality of the Indonesian National Armed Forces (TNI) and National Police (Polri) in the 2014 General Election.

Later, the Election Law was amended, and the legislative and presidential election laws were consolidated into Law No. 7 of 2017 on General Elections. This law also enshrined the neutrality of the TNI and Polri, though it does not explicitly state that they cannot vote in general elections.

THE CLOSED PROPORTIONAL SYSTEM IN THE 1955 ELECTION AND ITS RESULTS

LUTHFI WIDAGDO EDDYONO
Researcher at Constitutional Court

Elections are the most visible indicator of a democracy's implementation. The transfer of power becomes more regular and reasonable with general elections. The system to be used for the legislative elections in 2024 is currently being debated in the Constitutional Court. There are two types of models in the spotlight right now: open proportional systems and closed proportional systems.

The differences between the two are clearly described in Monica Ayu Caesar Isabela's article "The Differences Between Open and Closed Proportional Elections Systems." She explains that an open proportional system is an electoral system in which voters directly elect their legislative representatives, whereas a closed proportional system allows voters only to elect political parties. She also describes the following distinguishing points:

According to the article, the 1955 election was also included in the General Election, which used a closed proportional system. This

Distinguishing Point	Open Proportional	Closed Proportional
Implementation	Political parties submit a list of candidates that is not arranged by sequence number and does not include a number in front of the candidate's name. (Usually arranged alphabetically or by lottery).	Political parties submit a list of candidates arranged by sequence number. The political party determines the sequence number.
Voting method	Voters choose one of the candidate names.	Voters choose a political party.
Determination of candidate elected	Determination of elected candidates is based on the majority of votes.	The determination of elected candidates is based on sequence number. If a party wins two seats, then the elected candidates are number 1 and number 2.
Degree of Representation	It has a high degree of representation because voters are free to choose their representatives who will sit directly in the legislature, allowing voters to maintain control over the people they elect.	It is less democratic because people cannot directly elect their representatives who will sit in the legislature. The choice of a political party is not always the voters' choice.
Candidate equality level	Allows for the presence of cadres who rise from the bottom and win because of mass support.	Dominated by cadres who rose to the top due to ties to political party elites rather than mass support.
Number of seats and candidate list	The party receives seats in proportion to the number of votes received.	Each party submits a list of candidates that includes more than the number of seats allotted to a single electoral district.
Advantages	• Encourages candidates to compete in order to rally public support for victory. • Creates a bond between voters and the elected candidate. • Builds closeness among voters.	Makes it easier to meet quotas for women or ethnic minority groups because political parties select legislative candidates. Capable of minimizing the practice of money politics.

Disadvantages	• The possibility of money politics is very high. • Requires considerable political capital. • Difficulty in counting votes. • Gender and ethnic quotas are difficult to enforce.	• Voters have no say over who represents their party. • Unresponsive to rapid changes. • Creates rifts between voters and representatives after the election.
Implementing countries	Austria, Netherlands, Belgium, Brazil, and so on.	South Africa, Argentina, Israel, Bulgaria, Ecuador, etc.
Implementation in Indonesia	2004, 2009, 2014, and 2019 legislative elections.	1955 election, New Order election, and 1999 election.

article will attempt to explain how the proportional system was established in accordance with LAW NUMBER 7 OF 1953 CONCERNING THE ELECTION OF MEMBERS OF THE CONSTITUENT AND MEMBERS OF THE HOUSE OF REPRESENTATIVES (UU 7/1953).

The 1950 general election was principally an election for members of the Constituent Assembly and members of the House of Representatives. The Constituent Assembly was a representative council tasked with forming a new constitution to replace the 1950 Provisional Constitution (UUDS).

Article 95 paragraph (1) of Law 7/1953 states that if a list obtains a number of seats equal to the number of candidates on that list, then all candidates are elected as members. In paragraph (2), it is stated that "if the number of seats obtained by a list is less than the number of candidates in that list, then the elected candidates are those who receive at least the number of votes of the number of list-voting dividers." The list-vote-divider is the quotient of the number of votes obtained by the list divided by the number of seats won. A vote cast for a list is assumed to have been cast for the first candidate on the list.

Article 95(3) of Law 7/1953 is particularly interesting because it states that if not all seats have been filled using the method described in paragraph 2, or if no single candidate receives a number of votes equal to the list-vote-divider, then the candidate or candidates elected to occupy the vacant seats are the candidate or candidates in the order of their place on the list, provided that the candidates who have received at least one-half of the votes shall take office.

Regarding the order of results, according to Article 97, the Indonesian Election Committee must organize the order of candidates from each list in the new list in such a way that the candidates who received the number of votes necessary to be elected are placed at the top of the list, followed by the candidates who received at least half of the required number of votes, and finally the other candidates are placed. Consequently, it is evident that the voting method used for the elections of 1955 was closed proportional.

According to Puspasari's article titled "The History of the First General Election in Indonesia: Traces of Democracy in the 1955 General Election," more than 30 political parties, more than 100 lists of groups and individual candidates participated in the 1955 elections. In the election of 1955, a proportional representation system was employed, with the number of representatives allocated to each constituency based on its population. Each region was granted a minimum of six seats for the Constituent Assembly and Parliament. The election was conducted twice. The first election to choose DPR members took place on September 29, 1955. The second election for the Constituent Assembly took place on December 15, 1955.

1955 Election Results for Members of the House of Representatives

NO.	PARTY/LIST NAME	VOTES	%	SEATS
1	Indonesian National Party (PNI)	8,434,653	22.32	57
2	Masyumi	7,903,886	20.92	57
3	Nahdlatul Ulama (NU)	6,955,141	18.41	45
4	Communist Party of Indonesia (PKI)	6,179,914	16.36	39
5	Indonesian Islamic Union Party (PSII)	1,091,160	2.89	8
6	Indonesian Christian Party (Parkindo)	1,003,326	2.66	8
7	Catholic Party	770,740	2.04	6
8	Socialist Party of Indonesia (PSI)	753,191	1.99	5
9	The League of Supporters of Indonesian Independence (IPKI)	541,306	1.43	4
10	Islamic Education Movement (Perti)	483,014	1.28	4
11	National People's Party (PRN)	242,125	0.64	2
12	Labor Party	224,167	0.59	2
13	Panca Sila Defender Movement (GPPS)	219,985	0.58	2
14	Indonesian People's Party (PRI)	206,161	0.55	2
15	Police Employees Association of the Republic of Indonesia (P3RI)	200,419	0.53	2
16	Popular Consultative Party (Murba)	199,588	0.53	2
17	Indonesian Citizenship Consultative Assembly (Baperki)	178,887	0.47	1
18	Great Indonesia Unity Party (PIR) Wongsonegoro	178,481	0.47	1
19	Indonesian Movement (Grinda)	154,792	0.41	1
20	The Indonesian Marhaen People's Union (Permai)	149,287	0.40	1
21	Dayak Unity Party (PPD)	146,054	0.39	1
22	Great Indonesia Unity Party (PIR) Hazairin	114,644	0.30	1
23	Islamic Tharikah Unity Party (PPTI)	85,131	0.22	1
24	Islamic Victory Force (AKUI)	81,454	0.21	1
25	Village People's Union (PRD)	77,919	0.21	1
26	Party of the People of Free Indonesia (PRIM)	72,523	0.19	1
27	Young Communist Force (Acoma)	64,514	0.17	1
28	R.Soedjono Prawirisoedarso	53,306	0.14	1
29	Others	1,022,433	2.71	-

1955 Election Results for Members of Constituent Assembly

No.	Party/List Name	Votes	%	Seats
1	Indonesian National Party (PNI)	9.070.218	23,97	119
2	Masyumi	7.789.619	20,59	112
3	Nahdlatul Ulama (NU)	6,989,333	18.47	91
4	Communist Party of Indonesia (PKI)	6,232,512	16.47	80
5	Indonesian Islamic Union Party (PSII)	1,059,922	2.80	16
6	Indonesian Christian Party (Parkindo)	988,810	2.61	16
7	Catholic Party	748,591	1.99	10
8	Socialist Party of Indonesia (PSI)	695,932	1.84	10
9	The League of Supporters of Indonesian Independence (IPKI)	544,803	1.44	8
10	Islamic Education Movement (Perti)	465,359	1.23	7
11	National People's Party (PRN)	220,652	0.58	3
12	Labor Party	332,047	0.88	5
13	Panca Sila Defender Movement (GPPS)	152,892	0.40	2
14	Indonesian People's Party (PRI)	134,011	0.35	2
15	Police Employees Association of the Republic of Indonesia (P3RI)	179,346	0.47	3
16	Popular Consultative Party (Murba)	248,633	0.66	4
17	Indonesian Citizenship Consultative Assembly (Baperki)	160,456	0.42	2
18	Great Indonesia Unity Party (PIR) Wongsonegoro	162,420	0.43	2
19	Indonesian Movement (Grinda)	157,976	0.42	2
20	The Indonesian Marhaen People's Union (Permai)	164,386	0.43	2
21	Dayak Unity Party (PPD)	169,222 0.45 3	0.39	1
22	Great Indonesia Unity Party (PIR) Hazairin	101,509 0.27 2	0.30	1
23	Islamic Tharikah Unity Party (PPTI)	74,913 0.20 1	0.22	1
24	Islamic Victory Force (AKUI)	84,862 0.22 1	0.21	1
25	Village People's Union (PRD)	39,278 0.10 1	0.21	1
26	Party of the People of Free Indonesia (PRIM)	143,907 0.38 2	0.19	1
27	Young Communist Force (Acoma)	55,844 0.15 1	0.17	1
28	R.Soedjono Prawirisoedarso	38,356 0.10 1	0.14	1
29	Gerakan Pilihan Sunda	35,035	0.09	1
30	Indonesian Peasants Party	30,060	0.08	1
31	Radja Keprabonan	33,660	0.09	1
32	Gerakan Banteng Republik Indonesis (GBRI)	39,874	0.11	1
33	PIR NTB	33,823	0.09	1
34	L.M.Idrus Effendi	31,988	0.08	1
35	Others	426,856	1.13	-

REVIEW

WOMEN'S QUOTA POLICY AND THE ENACTMENT OF OPEN PROPORTIONAL SYSTEM IN LEGISLATIVE ELECTIONS IMPLEMENTATION

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There should be no discrimination during the conduct of an election; everyone is equal as long as they follow the provisions regulated in the laws and regulations. The participation of men and women in politics is inseparable from the democratization process. Gender issues have always been an intriguing political topic. Thus, the government has made various efforts to reduce the gender gap in politics and boost women's role in the legislature. Activists and women's organizations in Indonesia have been tenacious in fighting for their rights, notably by reminding the Indonesian government to pay attention to the CEDAW's appeal, which did not receive a serious response from the DPR until after the Reformation. CEDAW calls for the elimination of all forms of discrimination against women through affirmative action. Affirmative action is a special act of state correction and compensation for gender injustice that has long existed.

Efforts to increase the role of women in the House of Representatives have finally been successful after the inclusion of a 30% (thirty percent) quota for women to sit in the management of political parties and the DPR, provincial DPRD, and regency/city DPRD since the issuance of Law Number 12 of 2003. The inclusion of the 30% quota is consistent with affirmative action efforts to increase the role of active participation for women in Parliament, as well as the norms of Article 4 of CEDAW, which the government ratified through Law No. 7 of 1984. In addition, affirmative action in the formulation of the legislative election law, with the inclusion 30% quota for women to sit in the DPR, has also been accommodated through Constitutional Court Decision No. 22-24/PUU-VI/2008, which was adopted a majority vote system.

One of the draft laws to increase women's political roles and representation in Parliament is Law No. 10/2008. Law 10/2008 established a closed-list proportional system for legislative elections in 2009. This system supports the affirmative policy of a 30% quota for women in Parliament through a rotating list (one woman among three candidates for legislative members). Concerning affirmative action and the implications of using the majority vote system in legislative elections, a judicial review was submitted to the Constitutional Court, which was decided through Constitutional Court Decision Number 22-24/PUU-VI/2008, dated December 23, 2008.

Constitutional Court Decision Number 22-24/PUU-VI/2008 In Constitutional Court Decision Number 22-24/PUU-VI/2008, dated December 23, 2008, it was argued that Article 55 paragraph (2), Article 205 paragraph (4), paragraph (5), paragraph (6), and paragraph (7), as well as Article 214 letter a,

letter b, letter c, letter d, and letter e of Law 10/2008 are contrary to Article 6A paragraph (4), Article 27 paragraph (1), Article 28D paragraph (1) and paragraph (3), Article 28E paragraph (2), and Article 28I paragraph (2) of the 1945 Constitution. The petition was filed by Muhammad Sholeh, S.H., (Petitioner I), an individual Indonesian citizen and candidate for Member of the Regional House of Representatives for Election District I Surabaya-Sidoarjo. He argued that Article 55(2) of Law 10/2008 is not in line with reform, reflects unequal treatment, injustice, and legal uncertainty, and is discriminatory. The spirit of the article had deviated from honest and fair elections because if the people elected him, it turns out that his rights were restricted by the a quo articles. Therefore, the Petitioner's vote becomes useless if it does not reach 30% of the BPP. In addition, Sutjipto, S., M.Kn., Septi Notariana, S.H., M.Kn., and Jose Dima Satria, S.H., M.Kn. (Petitioner II), who are a group of Indonesian citizens with the same interests, argued that the enactment of the articles harmed them because if the vote acquisition or the remaining votes in the electoral district was less than 50% of the BPP, then the votes will be taken to the province so they do not get a guarantee of getting a seat in the House of Representatives (DPR). Furthermore, the votes obtained by a candidate for DPR member elected in an electoral district can be transferred to another DPR candidate in another electoral district if they obtained or the remaining votes are less than 50% of the BPP. And because Petitioner I and Petitioner II may not be elected as DPRD members, the Court believes that Petitioner I and Petitioner II have legal standing as Petitioners in the a quo petition.

In its legal consideration, the Court held that:

- The enactment of the provisions of Article 55(2) of Law 10/2008, which require at least one female candidate for every three potential candidates, is intended to fulfill affirmative action (temporary action) for women in politics, as has been done in other countries by requiring political parties to include legislative candidates for women. This is a follow-up to the 1995 World Women's Convention in Beijing and various ratified international conventions [Law Number 68 of 1958, Law Number 7 of 1984, Law Number 12 of 1985 on Civil and Political Rights, Results of the General Assembly of the Convention on the Elimination of All Forms of Discrimination Against Woman (CEDAW)];
- Affirmative action is also known as reverse discrimination. It provides opportunities for women to establish gender equality in the level playing field between women and men. Although there are differences in the dynamics of historical development due to cultural reasons, women's participation in decision-making in national policies, both in the legal field and in economic and socio-political development, the role of women is still relatively small. Now that the population census has revealed that women constitute the majority of Indonesia's population. Therefore, the gender interest aspect should be considered in political decisions, social, economic, legal, and cultural affairs;
- If the quota system for women is seen as reducing the constitutional rights of male legislative candidates as limitation, it does not mean that it is contrary to Article 28D paragraph (1) of the 1945 Constitution. This limitation is justified by the Constitution as stipulated in Article 28J paragraph (2) of the 1945 Constitution, which reads, "In exercising their rights and freedoms, every person shall abide by the limitations stipulated by the laws with the purpose of solely guaranteeing the recognition as well as respect for the rights and freedoms of others and in order to comply with just demands in accordance with considerations for morality, religious values,

security, and public order in a democratic society." Even in Article 28H paragraph (2) of the 1945 Constitution, such special treatment is allowed. Article 28H paragraph (2) of the 1945 Constitution reads, "Every person is entitled to receive ease and special treatment in order to obtain the same opportunity and benefit in order to achieve equality and justice." Today, Indonesia's commitment to human rights instruments that relate to the elimination of all forms of discrimination against women as well as the commitment to advance women in politics has been realized through various ratifications and various government policies;

- That is, insofar as the quota threshold of 30% (thirty per hundred) and the requirement of one woman out of every three legislative candidates for women and men is deemed adequate as a first step in providing opportunities for women on the one hand, while on the other hand, offering the public/voters the opportunity to assess and test the acceptability of women entering the political sphere, which is not solely due to their gender, but also in terms of their capacity and capability as legislators, as well as their place according to the Indonesian culture. The inclusion of a 30% quota (thirty per hundred) and the requirement of one female candidate out of every three candidates is a form of positive discrimination designed to balance the representation of men and women in the House of Representatives (DPR), Regional Representatives Council (DPD), and Provincial/Regency/City Regional People's Representative Council (DPRD). Article 55 paragraph (2) of Law 10/2008 emphasizes the provision of a 30% quota (thirty per hundred) for female candidates in order to ensure greater opportunities for women's electability in general elections;
- That improving women's political positions is dependent not only on legal factors but also on cultural factors, abilities, closeness to the people, religion, and the level of public trust in women legislative candidates, as well as an increasing awareness of women's political roles. According to the principle of Bhinneka Tunggal Ika (Unity in Diversity), in a pluralistic society such as Indonesia, each person's choice based on their knowledge and beliefs must be respected even if they differ from one another.
- The Court's view is consistent with the views of the Government and the House of Representatives, which state that the policy involving the ideals of a 30% (thirty per hundred) quota for women and the requirement of one woman out of every three legislative candidates is a temporary affirmative action policy designed to encourage women's participation in national policymaking through participation in the formation of laws.
- Based on the above legal views and assessments, the Court concludes that the provisions of Article 55 paragraph (2) of Law 10/2008 are not in violation of the Constitution because the treatment of gender constitutional rights not to be qualified as discriminatory and is interpreted to put in a fair manner things that have so far proven not to treat women unfairly.

In its legal considerations, the Court elaborated that with regard to the norm provisions of Article 205 paragraph (4), paragraph (5), paragraph (6), and paragraph (7) Law 10/2008, Petitioner II argued that Article 205 paragraph (4), paragraph (5), paragraph (6), and paragraph (7) of Law 10/2008 are unfair and discriminatory because if the vote acquisition or the remaining votes in the electoral district was less than 50% (fifty percent) of the BPP, then the votes will be taken to the province so they do not get a guarantee of getting a seat in the House of Representatives (DPR). Likewise, they felt deprived of their constitutional rights as candidates and voters because votes obtained by a candidate for DPR member elected in one electoral district

can be transferred to another DPR candidate in another electoral district if they obtained or the remaining votes are less than 50% of the BPP. They also argued that the winner of the election should be determined by who received the most votes and should be treated fairly and without discrimination.

Regarding Petitioner II's arguments, the Court holds that the provisions of Article 205 paragraph (4), paragraph (5), paragraph (6), and paragraph (7) of Law 10/2008 are related to the acquisition of political party seats and are not related to the election of candidates. As far as the remaining votes collected from each electoral district (Dapil) to the provincial level are concerned, it is only to determine the new Voter Divider Numbers (BPP), which are also related to the acquisition of political party seats. Thus, the argument does not concern constitutionality because it does not contradict Article 22E paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution.

The Court believes that to determine the political parties that obtain seats based on the new BPP, as stipulated in Article 205 paragraph (7) of Law 10/2008, and to determine elected candidates based on the new BPP, the majority vote must be based on the testimony of the General Election Commission at the session, as stated in the a quo article.

Article 214 letter a, letter b, letter c, letter d, and letter e of Law 10/2008 reads, "The selection of elected candidates from Election Contesting Political Parties for members of the DPR, Provincial DPRD, and Regency/City DPRD is based on the acquisition of seats from Election Contesting Political Parties in an electoral district, subject to the following provisions:

a. Candidates for members of the House of Representatives (DPR), provincial, regency/city DPRD are elected if they receive at least 30% (thirty percent) of the BPP;
b. If the number of candidates who meet the requirements of letter a exceeds the number of seats obtained by the political parties contesting in the election, the seat is given to the candidate with the smallest sequence number among those who meet the requirements of at least 30% (thirty percent) of the BPP;
c. If two or more candidates fulfill the provisions of letter a with the same number of votes, the candidate with the smallest sequence number among the candidates who meet the requirements of at least 30% (thirty percent) of the BPP shall be determined as the elected candidate, except for candidates who obtain 100% (one hundred percent) of the BPP;
d. If the number of candidates who meet the requirements of letter a is less than the number of seats obtained by political parties contesting in the election, the undivided seats shall be assigned to candidates based on their sequence numbers;
e. If no candidate receives at least 30% (thirty percent) of the BPP votes, the elected candidate shall be determined by sequence number."

Petitioner I argued that Article 214 letters (a), (b), (c), (d), and (e) of Law 10/2008 had deprived the meaning of recognition, guarantee of protection, and fair legal certainty, as well as equal treatment for every citizen before the law, as mandated by Article 28D paragraph (1) of the 1945 Constitution, by obstructing and restricting the Petitioner's right to be elected as a legislative candidate for the 2009-2014 period.

Petitioner II argued that Article 214 letters (a), (b), (c), (d), and (e) of Law 10/2008 violated the constitutional norms stipulated in Article 6A paragraph (4), Article 27 paragraph (1), Article 28D paragraph (1), and Article 28E paragraph (2) of the 1945 Constitution, because the winner of the general election must be determined by who received the most votes and should be treated fairly and without discrimination.

Regarding the arguments of Petitioner I and Petitioner II insofar as they relate to the constitutionality of Article 214 letters a, b, c, d, and e of Law no. 10/2008, the Court provides an assessment and legal opinion as follows:

- Article 1 paragraph (2) of the 1945 Constitution states that sovereignty shall be vested in the hands of the people and be executed according to the Constitution. This shows that

supreme sovereignty is in the hands of the people, as the people directly choose who they want during the various election activities. The size of the popular vote reveals the high level of political legitimacy attained by the legislative and executive candidates. However, the small number of votes also reveals the candidate's poor level of political legitimacy;

- That the principle of people's sovereignty is a fundamental constitutional principle that not only colors and spirits the constitution that determines the form of government but can also be viewed as a constitutional morality that colors and characterizes all laws in the political sphere. Although it must be accepted that there is a need to maintain a system of recruitment of political leaders, which is primarily played by healthy political parties, then as a method and procedure of recruitment in the political and representative system adopted, it must be given a clear limit that the political party must not violate the principle of popular sovereignty, which can be seen as a fundamental constitutional principle and cannot be ignored, because it is not only a basic norm but more than that it is a constitutional morality for all the lives of the state and nation in the political, social, economic and legal fields. These principles must coexist, not deny, but uphold human rights that form and become the foundation of man's dignity.
- That the main purpose of making people's sovereignty a fundamental principle of the Constitution is to make it so that the appreciation and valuation of the electorate's voting rights, which form the manifestation of people's sovereignty, are not subject to changes resulting from political controversies in Parliament, in this case by giving political parties the power to convert the people's choice into the choice of party officials through sequence numbers. The party's role in the recruitment process has been completed with the selection of capable candidates for the interests of the people because it is impossible for the people as a whole to articulate the requirements of potential leaders who are considered in accordance with the wishes of the people except through political organizations that fight for the rights and political interests of groups in society;
- That Article 22E paragraph (1) of the 1945 Constitution states that the holding of higher-quality elections with the broadest possible participation of the people, based on the principles of democracy, direct, public, free, confidential, honest, and just, should be the main foundation in the holding of elections, to be developed and implemented in a brief and simple manner by the law on elections, which is used to provide a foundation for all stages of the holding of elections. As a result, the people, as the principle of popular sovereignty's main subject, are not just treated as objects by the election participants to achieve victory;
- That the elections to elect members of the House of Representatives (DPR), provincial, regency/city DPRD are held through an open proportional system, which enables individuals to choose their preferred representatives nominated by political parties in the elections, with the hope that the elected representatives prioritize the people's aspirations over the interests of political parties. When the people freely choose and determine the legislative candidates to be elected under an open proportional system, it is simpler and easier to determine who is entitled to be elected, namely the candidate who receives the most votes or popular

support.

- That by giving the people the right to directly elect their preferred candidates for the House of Representatives (DPR), provincial, regency/city DPRD with the most votes not only makes it easier for voters to choose but also promotes fairness for both candidates and the public exercising their right to vote, regardless of their political affiliation. This is because a candidate's success is no longer solely dependent on their political party's performance, but on the level of public support they receive. Thus, internal conflicts between political parties contesting in the election that can affect the community can be reduced, all of which are in accordance with the principles of fair, honest, and responsible elections;
- According to the Court, the provisions outlined in Article 214 of Law 10/2008, specifically letter a, letter b, letter c, letter d, and letter e, are unconstitutional. These provisions state that the elected candidate is the candidate who receives over 30% (thirty per hundred) of the BPP or has a lower sequence number unless no candidate obtains over 30% or if there are more candidates who have obtained 30% than the number of proportional seats won by a political party in the election. It is unconstitutional because it contradicts the substantive meaning of popular sovereignty as described above and is qualified as violating the principle of justice as specified in Article 28D paragraph (1) of the 1945 Constitution. If the people's will, as reflected in their choices, is not heeded in the determination of legislative members, it goes against popular sovereignty and violates the principle of justice. In cases where two candidates have notably different vote counts, the candidate with the lower sequence number could potentially win over the candidate with the higher vote count, which is an extreme injustice.
- That, Indonesia has currently implemented a direct election system for the President and Vice-President, Regional Representatives Council, Regional Heads and Deputy Regional Heads, which is believed to be just for political development. Therefore, it is only fair to allow direct elections of members of the House of Representatives (DPR) and the Regional People's Representative Council (DPRD) without restricting political parties' political rights. This would enable every individual contesting to become a member of the legislature at all levels based on their efforts and support from voters;
- This would pierce the sense of justice and violate popular sovereignty in its substantive meaning because there is no sense or logic to justify violating justice and the will of the people as holders of popular sovereignty in this manner.
- That the basic philosophy of electing a winner is based on the candidate who receives the highest number of votes. Therefore, the selection of elected officials should also be based on the legislative candidates who receive the most votes in their respective orders rather than just relying on the smallest sequence number. In other words, this eliminates the double standard of using both the sequence number and the number of votes each candidate acquires to determine the winner in every election. Imposing provisions that allow candidates to be elected based on sequence numbers limits the people's right to vote according to their preferences while ignoring the level of legitimacy of the elected candidates with the most votes.
- That, with the 1945 Constitution's recognition of equal legal standing and

opportunity before the law in Article 27 paragraph (1) and Article 28 D paragraph (3), imposing an unequal legal provision on two similar circumstances is as unfair as imposing an equal legal provision on two unequal circumstances. The Court found that Article 214 of Law 10/2008 contains a double standard that can be interpreted as imposing different laws on the same situation, which is considered unfair.

The Court further elaborated that affirmative action is a policy that Indonesia has accepted that originated from CEDAW, but because the Court is faced with a choice between the principles of the 1945 Constitution and policy demands based on CEDAW in the a quo petition, the 1945 Constitution must be prioritized. Concerning the provisions of Article 28H paragraph (2) of the 1945 Constitution that "every person is entitled to special treatment," the Court determined that establishing a quota of 30% (thirty percent) for female candidates and one female candidate out of every three legislative candidates fulfilled the special treatment requirement.

Thus, based on the entire description of legal considerations as described in the previous paragraphs, the Court considers that insofar as the Petitioners' arguments regarding Article 205 paragraph (4), paragraph (5), paragraph (6), and paragraph (7) of Law 10/2008 are contrary to Article 22E paragraph (1), and Article 28D paragraph (1) of the 1945 Constitution, the Court believes that the arguments do not concern the constitutionality of norms, therefore they are not contrary to Article 22E paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution. Furthermore, because the Petitioners' arguments regarding Article 214 letter a, letter b, letter c, letter d, and letter e of Law 10/2008 are reasonable, the Petition must be granted. This means the article will not have binding legal force, but there will not be a legal vacuum, even without a revision of the law, as well as the formation of Government Regulations in Lieu of Laws, because the Court's decision is self-executing. The General Election Commission (KPU) and all of its staff, based on the authority of Article 213 of Law 10/2008, can determine the elected candidates based on the Court's Decision in this case. Therefore, based on the entire assessment of facts and law as described above, the Court concludes as follows:

1. Article 55 paragraph (2) of Law 10/2008, although viewed as reverse discrimination, it does not violate the Constitution because the a quo provision aims to establish fairness and equality between men and women, and therefore the Petitioner's petition is groundless;
2. Article 205 paragraph (4), paragraph (5), paragraph (6), and paragraph (7) of Law 10/2008 are not contrary to Article 22E paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution. Therefore the Petitioner's petition is not well-founded;
3. Article 214 letter a, letter b, letter c, letter d, and letter e Law 10/2008 is contrary to Article 1 paragraph (2), Article 27 paragraph (1), Article 28D paragraph (1) and paragraph (3), and Article 28E paragraph (3) of the 1945 Constitution, therefore the Petition is reasonable and must be granted;
4. Technically, the administrative implementation of the Court's decision is not expected to be difficult, as the Related Parties of the General Election Commission confirmed their readiness to comply with the decision during the Plenary Session at the Constitutional Court on November 12, 2008. They assured that they would determine legislative members based on the majority vote as directed by the Court.

"Everyone's unique. Be yourself with confidence, bravery, agility, intelligence, wisdom, (then) colour the world..."

THE EPICENTRUM OF GROWTH

Immanuel B.B. Hutasoit
Head of the International Affairs Division

A man is called selfish not for pursuing his own good, but for neglecting his neighbor's
Richard Whately - English Philosopher

To Begin With

2023 will be no less interesting than 2022 in terms of Indonesia's diplomacy in global forums. Having previously held the G-20 Chairmanship and organized a series of activities and a grand summit in Nusa Dua Bali, Indonesia is back in charge of the international forum this year, with the Chairmanship of ASEAN (Association of South East Asian Nations).

From our elementary school days, we have been familiar with ASEAN, a regional association in Southeast Asia. The organization was established on August 8, 1967, when Indonesia, Malaysia, the Philippines, Singapore, and Thailand signed the Bangkok Declaration, which was a significant milestone in ASEAN's history. Key figures who signed the declaration included Adam Malik from Indonesia, Tun Abdul Razak from Malaysia, S. Rajaratnam from Singapore, Thanat Khoman from Thailand, and Narciso R. Ramos from the Philippines.

The formation of ASEAN was initiated in the early 1960s, during a time when the Southeast Asian region was prone to conflict. Southeast Asia's stability and progress face the risk of being undermined due to the competition for ideological influence among major countries and conflicts between nations. To address this concern, the five signatories of the Bangkok Declaration came together and established an organization intending to promote peace, safety, stability, and prosperity in the Southeast Asian region.

The Bangkok Declaration contained several agreements that served as the foundation and aspiration of ASEAN, including the commitment to:

1. Accelerate economic growth, social progress, and cultural development in the Southeast Asian region;
2. Promote regional peace and stability. One way to promote peace and stability in the Southeast Asian region is by adhering to the principle of non-intervention;
3. Enhance cooperation and mutual assistance for common interests in economic, social, technical, scientific, and administrative fields;
4. Maintain close cooperation among existing regional and international organizations, and
5. Enhance cooperation to promote education, training, and research in the Southeast Asian region.

From these five points, it is interesting to explore what is meant by the principle of non-intervention mentioned in the declaration's second point. According to the ASEAN Charter, each ASEAN member is not allowed to intervene in the internal affairs of other countries. So far, this non-intervention principle has stood guard over ASEAN harmony.

Indonesia's role

De facto, Indonesia was granted the responsibility of being the Chair of ASEAN 2023 at the ASEAN Summit in Cambodia on November 13, 2022. Given its successful track record in the G-20, Indonesia is well-positioned to assume a more assertive and confident role in its ASEAN Chairmanship. Considering their experience and standing being taken into account among developed countries in the G-20, ASEAN is expected to gain significant advantages under Indonesia's leadership.

Indonesia has chosen the theme "ASEAN Matters: Epicentrum of Growth" to emphasize that the world must recognize the significance of Southeast Asia as a key player in global development. The ASEAN Matters initiative focuses on three main priorities: enhancing ASEAN's capacity and effectiveness, promoting unity within ASEAN, and cementing ASEAN's central role. The goal is to establish Southeast Asia as the epicenter of growth in areas such as health infrastructure, energy security, food security, and financial stability.

Furthermore, according to a statement issued by the Indonesian government through Coordinating Ministry for Economic Affairs, Indonesia has an

agenda to continue to strengthen ASEAN's position as a stable, peaceful, and inclusive region in order to achieve sustainable economic growth.

Indonesia has been chosen as the holder of the ASEAN Chairmanship for 2023, having held this position four times before in 1976, 1996, 2003, and 2011. In 2011, when Indonesia last held this position, it played a significant role in shaping the ASEAN Community's formation in 2015. The ASEAN Community is set to become the central focus of the region's development, with an emphasis on creating a dynamic equilibrium within the regional order. During Indonesia's chairmanship, the East Asia Summit saw the participation of Russia and the United States for the first time, highlighting its development. Indonesia's priority was to establish People-Oriented and People-Centered ASEAN, in which all of ASEAN's achievements and benefits must be felt in real terms by the ASEAN community itself.

Indonesia remained active in its role even after its chairmanship, including its current role as the Country Coordinator for the ASEAN-US partnership for 2021-2024.

As the coordinator, Indonesia has been assigned to ensure that ASEAN remains adaptable to changing international circumstances, starting from the formulation of the Treaty of Amity and Cooperation (TAC), ASEAN Outlook on the Indo-Pacific (AOIP), and the Regional Comprehensive Economic Partnership (RCEP). Additionally, Indonesia remains committed to upholding ASEAN Centrality in achieving a peaceful, stable, and prosperous Southeast Asian region, which has been its goal from the start. In particular, Indonesia is committed to ensuring peace in the South China Sea. It is crucial for the United States and ASEAN countries to maintain a favorable environment to prevent the South China Sea conflict from escalating.

Indonesia's efforts to strengthen the US-ASEAN partnership by prioritizing cooperation in digitalization, creative economy, MSMEs, and human resource development have been proven effective by establishing a US special mission to ASEAN, currently located at the ASEAN Secretariat in Jakarta.

MKRI and Southeast Asia

In light of the Indonesian government's commitment to ASEAN, it is also important to note how far the Constitutional Court of the Republic of Indonesia has progressed in its role as the Permanent Secretariat of the Association of Asian Constitutional Courts (AACC). According to the AACC's official website, which can be accessed at http://aacc-asia.org/, Southeast Asia accounts for 20% of AACC membership. Only four countries have joined the AACC: the Constitutional Court of Indonesia, the Constitutional Court of Thailand, the Supreme Court of the Philippines, and the Supreme Court of Malaysia.

Although only four ASEAN countries are members of the AACC, this cannot be considered a failure because a number of factors contributed to its formation. On the contrary, it should be noted that these four countries are important pillars in the journey of AACC.

Indonesia, having played a key role in establishing the AACC through the Jakarta Declaration, has been chosen as the President of AACC for the term of 2014-2017. Additionally, Indonesia has been entrusted with the responsibility of serving as the permanent secretariat of the Association for Planning and coordination affairs. After Indonesia's presidency, the leadership baton was passed to the Supreme Court of Malaysia to hold the position for 2017-2019. The role of constitutional courts in Southeast Asia extends beyond Indonesia and Malaysia. Thailand, a signatory of the Jakarta Declaration, will take over as the President of AACC for the period of 2023-2025.

The role played by the Constitutional Court of Indonesia as the permanent secretariat to provide support to members of the AACC, including those from Southeast Asia, has been crucial in the successions of Malaysia and Thailand. Diplomacy and communication have been the key factors in this process. Indonesia believes that the association's progress should reflect its members' progress, especially its friendly countries in Southeast Asia. At present, Indonesia is taking various measures to encourage the participation of the Philippines' Supreme Court and other Southeast Asian countries that have the potential to work together to establish a regional constitution-conscious culture.

It will be interesting to see how the Epicenter of Growth resonates not only at the executive level but also for MKRI to contribute to the advancement of legal awareness, democracy, and human rights in the Southeast Asian region as a major player in the global arena. With a number of international activities on the Constitutional Court's agenda and a budget ready to be allocated, it is crucial to take into account how the active participation of MKRI in global forums must be felt by the "neighboring countries."

Good luck Indonesia, good luck Southeast Asia!

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