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Prevent the Spread of Covid-19



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KONSTITUSI

Number 158 ■ April 2020

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Editorial Greetings

Readers of Constitutional Magazine, we are all shocked and concerned about the outbreak of Covid-19 pandemic that has paralyzed all sectors of life and economy. Keeping distance in every social and religious activities and others also make us shocked. Covid-19 positive patients continue to grow, although some of them died and many recovered. This situation also affects activities of employees around the world, including in Indonesia, such as in the Constitutional Court (CC).

In accordance with government policy, work from home (WFH) has been applied to State Civil Apparatus. This also applies to some State-Owned Enterprises (SOEs) and private companies. The purpose is to break chain of the spread of Covid-19 already highly spread causing many victims.

Even so, there are still some officials and employees of the Constitutional Court who occasionally come to the office for urgent and important needs. However, all of this is done while adhering to health regulations urged by the government and WHO, namely keeping a safe distance, using masks, washing hands with sanitizers and not crowding in large numbers.

Constitutional Court Media Team also continued to work from home, conduct interviews with the Chief, Deputy Chief, Secretary General, Registrar and Medical Team of the Constitutional Court by phone, WA, e-mail and so on and also document for the purpose editors, all are related to main topic, namely work from home and the application of rapid tests within the Constitutional Court. All of this is also inseparable from the assistance and role of leaders of the Constitutional Court Public Relation and all its staff to assist the Constitutional Court Media.

We are grateful that all work can run optimally in the midst of unfavorable situation. For example, preparing material for the Constitutional Magazine published every month and loading a number of important and interesting news for the Constitutional Court page. That is the introduction from the editor. Finally, we wish you a happy reading. We hope and always pray that the Covid-19 pandemic will soon disappear from the earth, especially from Indonesia. Hence, we can work and worship in peace, the economy will improve again and social life will be more peaceful. Hopefully!



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REVIEWING GOVERNMENT REGULATION IN LIEU OF LAW AND “SPEEDY TRIAL CHALLENGE”

In the midst of the Covid-19 pandemic, Government Regulation in Lieu of Law (Government Regulation in Lieu of Law) Number 1 of 2020 concerning State Financial and Financial System Stability Policy for Handling Corona Virus Disease 19 (Covid-19) Pandemic and/or in order to face Threats that Endanger National Economy and/or Financial System Stability (Government Regulation in Lieu of Law on “Corona”) was tested at the Constitutional Court (MK). Enthusiastically, there were 3 cases. With regard to compelling crisis as the basis for the issuance of the Government Regulation in Lieu of Law was deemed unfulfilled. A number of material contents were deemed contrary to the 1945 Constitution and other laws. Interestingly, the Government Regulation in Lieu of Law for Corona was tested at the Constitutional Court in an abnormal state situation, in the midst of Large-Scale Social Restriction (PSBB) in Jakarta and surrounding cities. As a result, it is very possible for the Constitutional Court to convene a trial in an unusual way.

According to the provisions in Article 22 of the 1945 Constitution, the Government Regulation in Lieu of Law must be approved by the House of Representatives in the following trial. If the House of Representatives does not give approval, the Government Regulation in Lieu of Law must be revoked and declared null and void. If approved, the Government Regulation in Lieu of Law is stipulated into law by law. This shows that the legal product in the form of Government Regulation in Lieu of Law is only temporary. If the validity period is stretched, normative age of the Government Regulation in Lieu of Law for Corona is approximately 4 months. From March 31, 2020 until the latest on the last day of the Trial Period at Trial Period IV. After that, it changes into law, either approved or not by the House of Representatives. If, for example, the House of Representatives had not yet discussed the Government Regulation in Lieu of Law in the next trial, even for a long time, is another matter.

An important relationship with the Constitutional Court in this context is when the Constitutional Court has to complete judicial review for the Government Regulation in Lieu of Law on Corona. Thus, it is important for the Constitutional Court to have a strategy to prioritize the judicial review for the Government Regulation in Lieu of Law on Corona, without appearing to “rule out” other law review cases, even those already registered first. This is a challenge and the most critical point, certainly in addition to the constitutionality issue. In social media there are various kinds of challenges, thus, the Constitutional Court also needs to be challenged, namely “speedy trial challenge”. This is a real challenge. The challenge for the Constitutional Court is to adjudicate and decide the judicial review of the Government Regulation in Lieu of Law on Corona immediately, not in the sense of being hasty, without leaving fair trial, the judgment must be full of meaning and decided at the right momentum.

Why is it “speedy trial challenge”? First, the Government Regulation in Lieu of Law on Covid-19 was promulgated unilaterally by the President to deal with the cause of compelling crisis. The Petitioner then quickly submitted the

Government Regulation in Lieu of Law to the Constitutional Court. And therefore, the logic behind it is the Constitutional Court should also be obliged to check and finish it immediately.

Second, referring to the judgment of the previous judicial review case for Government Regulation in Lieu of Law, there seems to be a waiting moment between the judicial process at the Constitutional Court and the political process at the House of Representatives. This can be seen, among other things, from unacceptable judgment and verdict due to the case lost its object, namely the Government Regulation in Lieu of Law changed into law in a rush. This means that it took a while for the Constitutional Court to decide, to the point that the validity period for the Government Regulation in Lieu of Law expired. This is not true, and it does not need to be answered, except with concrete evidence.

Third, the Constitutional Court does not yet have its own procedural law regarding the judicial review of the Government Regulation in Lieu of Law. In contrast to this the law material without time limitation, judicial review for the Government Regulation in Lieu of Law should require a measured period of time to be decided. This is due to the temporary enactment of the Government Regulation in Lieu of Law. This is done to avoid no justice delayed is justice denied, being late in giving justice is another form of injustice, in this case.

Moving on from these three things, there are two things that the Constitutional Court can and is ready to do in this “speedy trial challenge”. First, if during this pandemic, conventional trials cannot be held, remote or online trials utilizing the latest technology are an option. In terms of technological infrastructure, the Constitutional Court as a pioneer of modern judicial institutions can be said to be well-prepared. The big dream

of the Constitutional Court is to becoming a modern and trusted court is not just jargon. Second, if a remote or online trial is chosen, those needed are rules as a legal basis and technical guidelines. Remote or online trials can be applied as long as the principles of procedural law for trials at the Constitutional Court are fulfilled. Even if the trial is held conventionally as usual, it is not be a problem as well. The Constitutional Court just needs to “step on the gas pedal” more deeply. Third, even if the procedural law of judicial review for the Government Regulation in Lieu of Law cannot be held within an immediate period of time, in particular giving limitation of time for the Constitutional Court to decide, then in the meantime, it is sufficient for the nine Constitutional Judges to have an intention in their heart to agree, plus a collective commitment to conclude the case immediately.

Through the three things above, hopefully the Constitutional Court will be more challenged to conquer the “speedy trial challenge”. In turn, through this “speedy trial challenge”, this judicial review case for the Government Regulation in Lieu of Law Corona will be a good momentum for the Constitutional Court to prove thoroughly and openly why the Constitutional Court, through Decision Number 138/PUU-VII/2009, declared itself to have the authority to review the Government Regulation in Lieu of Law. Happy Constitution!





PREVENTING SPREAD, CONSTITUTIONAL COURT FORMED CC COVID-19 TASK FORCE

CC Covid-199 Task Force from CC Polyclinic performed rapid testing to the Constitutional Justice residences on April 6th, 2020.

Coronavirus 19 (Covid-19) Disease has been a major problem in the world, including Indonesia. In the data submitted by the Government Spokesperson for COVID-19, Achmad Yurianto as of April 22, 2020, 7,148 patients were confirmed positive for COVID-19 2020,

while 913 patients were recovered and 635 patients died.

Related to this, the Ministry of Administrative and Bureaucratic Reform issued a Circular Letter of the Minister of Administrative and Bureaucratic Reform Number 19 of 2020 concerning Adjustment to the Work System of State Civil Apparatus

in Efforts to Prevent Covid-19 within Government Agencies. This circular letter is a guideline for government agencies in carrying out official duties by working from home (WFH) for State Civil Apparatus as an effort to prevent and minimize the spread of Covid-19, including the Constitutional Court (CC).

As of March 17, 2020, the Constitutional Court has implemented Work from Home (WFH). All employees within the Registrar's Office and the Secretariat General of the Constitutional Court perform WFH by utilizing information technology. However, in order to participate in overcoming and breaking the chain of the spread of Covid-19, the Constitutional Court also formed a Task Force Handling Covid-19 (Covid-19 Task Force). This is stated in the Decree of the Secretary General of the Constitutional Court Number 97 of 2020 concerning Task Force for Handling Covid-19 at the Constitutional Court.

This task force is in charge of preventing the spread of Covid-19 through synergy and coordination between work units within the Constitutional Court and coordination with related agencies. Not only that, the Covid-19 Task Force must also anticipate, be prepared and monitor the potential for escalation of the spread of Covid-19 and provide information and education needed in the context of preventing and counter measuring Covid-19. Finally, the Covid-19 Task Force is also in charge of handling technical steps necessary to prevent and overcome the spread of Covid-19 within the Constitutional Court.

Utilizing Technology

As of the implementation of WFH, all office activities of the Constitutional Court continued to run as it should by utilizing communication and application technology. The CC Information Communication Technology Team (ICT Team) also formed CC Covid-19 Task Force. This was conveyed by the Head of the Center for Information and Communication Technology of the Constitutional Court, Budi

Achmad Djohari, during a telephone call made by the CC Media crew on Monday (6/4/2020).

Budi said that the CC ICT Team included in the Covid-19 Task Force divided several categories of support, namely for constitutional judges, employees and routine performance of CC. To support constitutional judges, the CC ICT Team has prepared various facilities needed at any time to conduct online judge deliberation meeting (RPH) using WFH pattern.

"Through the use of a virtual private network (VPN), the constitutional judges can held meetings and discussions via video conference without having to come to the office with a separate network system," Budi explained.

Meanwhile, regarding the support for the court case that the Constitutional Court scheduled

on April 28, 2020, the CC ICT Team has also been prepared with various support for technological devices and applications while still paying attention to the procedural law provisions at CC. In accordance with the provisions of the Constitutional Court Regulation (PMK) Number 18 of 2009 that the implementation of remote trial can be carried out during normal or emergency conditions. Thus, during the prevention of Covid-19, the Constitutional Court will hold online trials while continuing to apply physical distancing for constitutional judges. CC has confirmed the three court rooms are available, namely plenary court room will be occupied by 5 constitutional judges and four other constitutional judges will be placed in the two court rooms of the Constitutional Court.

Stay Connected



Courtroom officer tested the instruments for the implementation of remote hearing.

Meanwhile, in order to provide support for employees, the CC ICT Team has also made technology tools that can be accessed by employees from their respective homes. The Constitutional Court has opened document access directly connected to server. Thus, each employee can carry out their duties as usual on a day-to-day basis. Budi added that related to existing work tools, such as SIKD CC, have also opened access for every employee to be able to perform optimal performance reporting from their respective homes.

“Disposition of the Honorable Constitutional Judges to the Secretary General and the Constitutional Court officials to the order of administration of duties can be carried out from their respective homes. Leaders can still provide directions that can be directly executed in stages.

In principle, office activities at the Constitutional Court are not actually disturbed even though they are carried out from their respective homes,” said Budi.

To maintain and ensure that the technology device at the Constitutional Court run properly, smoothly and optimally, the CC ICT Team, consisting of 20 employees, divides the 24-hour working time in several strategies. One of which is done by dividing employee pickets with a hardware check pattern to the office by two employees consisting of one employee from the network infrastructure and the other from the information system. As for the software, the CC ICT Team can monitor and check the network from their respective homes.

“This assignment certainly

prioritizes and pays attention to the health and safety aspects of employees during the countermeasure period for Covid-19 prevention. If during assignment the employee concerned is sick, then he/she can be replaced by another employee whose health condition is good. Thus, the team performance can still be carried out by implementing good cooperation and communication,” Budi explained.

Front Guard

In addition to the CC IT Team, one of the work units at the front guard of the CC Covid-19 Task Force is the Constitutional Court Clinical Medical Personnel. The CC Clinical Medical Personnel consists of 13 people, namely two general practitioners, two dentists,



Constitutional Justice Wahiduddin Adams and family did rapid testing on April 6th, 2020

four nurses, two pharmacists, one physiotherapist and medical laboratory staff. Verra Yunita Mamonto as the coordinator of the CC Clinical Medical Personnel explained that the Constitutional Court had opened the CC Primary Clinic Covid-19 Station to deal with the Covid-19 pandemic within the Registrar's Office and Secretariat General of the Constitutional Court.

"Of the 13 people, we take turns for picket every day. At least five people work at the Covid-19 Station every day. But on Friday is limited to only four people because they are less busy. But it is situational. Like yesterday there was a medical kit distribution, everyone was on duty. It also when there will be vaccines and rapid tests," said Verra contacted by phone on Thursday (2/4/2020) afternoon.

Medical Kit Distribution

Since the implementation of WFH system, Verra revealed that the Constitutional Court Clinical Medical Personnel had distributed 711 medical kits to all staffs and employees in the Registrar's Office and the Secretariat General of the Constitutional Court. The medical kit contains masks, multivitamins, hand sanitizers and wet wipes. In addition, as part of the Covid-19 prevention and control program within the Registrar's Office and the Secretariat General of the Constitutional Court, the Constitutional Court Clinical Medical Team has sprayed disinfectants at the Constitutional Court Building, Pancasila and Constitutional Education Center, residence of constitutional judges and employee housing in Bekasi, West Java.

Verra also revealed that the CC Clinical Medical Team also planned



Rapid-test activity carried out by CC Covid-19 Task Force

to hold rapid testing for employees. Asked about the rapid testing mechanism later, he explained that rapid testing would be prioritized for medical personnel, constitutional judges, court officials, assistant judges and employees in general. Rapid testing is also carried out independently.

"We have prepared around 520 rapid test kits. If later indicated persons are found, (CC) has also cooperated with the Army Hospital for further treatment," said Verra who is a general practitioner at the CC Primary Clinic.

On Monday (6/4/2020), the rapid test for Covid-19 detection activity against Deputy Chief Justice of the Constitutional Court (MK) Aswanto, Constitutional Justices Wahiduddin Adams, Manahan MP Sitompul and Daniel Yusmic Pancastaki Foekh had also been done. Then on the following day, it was carried out to the Chief Justice

of the Constitutional Court Anwar Usman and Constitutional Justice Suhartoyo.

"Alhamdulillah, the results of the rapid test for Covid-19 detection to the Deputy Chief Justice of the Constitutional Court and the four judges of the Constitutional Court were all negative," said Doctor Verra Yunita Mamonto as the Coordinator of the Constitutional Court Clinical Medical Personnel contacted by phone.

According to Verra, the rapid test for Covid-19 detection activity at the Constitutional Court was the fastest when compared to other agencies. Until April 24, 2020, Verra revealed that the Constitutional Court had conducted 393 rapid tests to medical personnel, constitutional judges, court officials, judge assistant and employees in general. ■

LULU ANJARSARI/SRI PUJIANTI/NANO TRESNA A.



REVIEWING TIME LIMITATION FOR REPORTING VIOLATIONS IN REGIONAL ELECTION LAW

The Constitutional Court (CC) held a trial for reviewing Law Number 10 of 2016 concerning Second Amendment to Law Number 1 of 2015 concerning Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 concerning the Election of Governor, Regent and Mayor into Law (Regional Election Law) on Wednesday (11/3/2020) in the Plenary Court Room of the Constitutional Court.

The case registered by Number 18/PUU-XVIII/2020 was filed by 4 members of the Election Supervisory Agency of Karimun Regency, Riau Islands Province for the 2018–2023 period. In their petition, the Petitioners argued that Article 134 paragraphs (4), (5) and (6) as well as Article 143 paragraph (2) of the Regional Election Law are deemed contrary to the 1945 Constitution of the Republic of Indonesia.

Article 134 paragraph (4) reading, “Reports of election violations as referred to in paragraph (2) shall be submitted no later than 7 (seven) days from the election violations is found

and discovered, especially in relation to the phrase “day” which is interpreted as calendar day as referred to the provision of Article 1 point 28 of the Regional Election Law. According to the Petitioner, the definition of “day” and the difference in time limitation for follow-up of reports of election violations between the Regional Election Law and the Election Law created problems in law enforcement efforts.

“The difference in the period of follow-up for handling violations between the Regional

Election Law and the Election Law looks very significant and has the potential to reduce the quality in the handling implementation level, as a result this has the potential for expiry and a lack of public confidence in the performance of the Election Supervisory Agency,” explained Tiuridah as one of the Petitioners before a trial chaired by Constitutional Judge Saldi Isra accompanied by Constitutional Judge Arief Hidayat and Daniel Yusmic P. Foekh.

The use of calendar day does not take into account geographic factors in Indonesia are widely spread, especially regencies in the Riau Islands region. Most of the districts in Riau Islands are reached by sea transportation.

“Thus, the word “day” in the *a quo* provision is considered very short, thus the potential for expiration to submit reports of violations and dispute resolution cannot be carried out comprehensively and more optimally. As a result, it also has an impact on decreasing the quality of the dispute resolution handling process,” continued Indrawan reading out the main principals of the Petitioners’ request. (Sri Pujanti)

REVIEWING PPMI LAW, EXPERTS ASK THE STATE NOT TO HOSTILE P3MI

The sixth trial of reviewing Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers (PPMI) was held again at the Constitutional Court (MK) on Tuesday (10/3/2020). The Association of Indonesian Migrant Worker Placement Company (ASPATAKI) as the Petitioner in the case Number 83/PUU-XVII/2019 reviewed Article 54 paragraph (1) letters a and b, Article 82 letter a and Article 85 letter a of the PPMI Law.

Legal Expert from Brawijaya University Abdul Rachmad Budiono presented by the Petitioner in his statement mentioned that the Indonesian Migrant Worker Placement Company (P3MI) can be seen from two points of view. First, as a social institution that helps Indonesian citizens (WNI) who wish to work. Second, as a business actor. According to Abdul, treating P3MI cannot be separated from these two points of view.



In connection with Article 54 paragraph (1) letter b, especially the phrase “government bank” and the amount of “1.5 billion rupiah”, the payment obligation clearly has to be fulfilled by entrepreneurs, closing the opportunity for P3MI

to run their business, which is also related to closing of the opportunity to work abroad for Indonesian citizens. There also lies a conflict between Article 54 paragraph (1) letter b of PPMI Law and the 1945 Constitution of the Republic of Indonesia.

"If the state has not been able to fully provide employment opportunities, it should not bother any parties who want to help people to work like P3MI. Don't place them like enemies. They are business actors who want to help people who want to find work abroad. They are not enemies imposed by a number of obligations. Thus, the figures of IDR 5 billion for paid-up capital and IDR 1.5 billion

for permits are incorrect and do not reach its target," Abdul explained before the trial chaired by the Chief Justice of the Constitutional Court Anwar Usman accompanied by other constitutional judges.

Amiruddin as the Petitioner's Expert further explained his point of view regarding Article 85 letter a of PPMI Law, especially in relation to the intended party of this norm. In Amiruddin's point of view, the party responsible for the placement of PMI in the destination country is any persons that can be individuals and/or corporations. This is based on Article 1 number 19 of PPMI Law. (Sri Pujianti)

FORMER KPK ADVISOR: CORRUPTION AN EXTRAORDINARY CRIME

KPK Advisor for the period of 2005-2013 Abdullah Hehamahua who is an the Petitioner's Expert for the Case Number 70/PUU-XVII/2019 said that corruption was called an extraordinary crime because it was very difficult to prove.

"The impact of corruption is very wide, ranging from the state, organization, political parties and government to families. Therefore, an organization that aims at eradicating corruption must be extraordinary and its laws should also be extraordinary. Thus, the witnesses must also be extraordinary," Abdullah said in the judicial review trial for Law Number 19 of 2019 concerning Second Amendment to Law Number 30 of 2002 concerning Corruption Crime Eradication Commission (KPK Law) for Cases 59, 62, 70, 71, 73, 77, 79/PUU-XVII/2019 on Wednesday (4/3/2020).

Thus, Abdullah continued that people joined into corruption eradication organization must be extraordinary,

from leaders to employees. Therefore, from the independence of Indonesia, the establishment of organizations to eradicate corruption took turns.

Abdullah, who was present as the Petitioner's Expert, revealed that the KPK did not only build its system but also its people. The system included, among other things, code of ethics, SOP and employment regulations. Those who work at KPK, from officials to ordinary employees could not write daily reports on their own but there are rules. Therefore, the existence of a supervisory agency outside SOP, personnel regulation and code of ethics of KPK has the potential to trigger abuse and opportunities. "Thus, community will demand a supervisor on the supervisory board," said Abdullah.

The Petitioner reviewed formal and material aspects of KPK Law because it was considered that the amendment to KPK Law did not conform to cleaning up of corruption in state administration. (Nano Tresna A.)





BROADCASTING INSTITUTION MUST INCLUDE BROADCAST RIGHTS

The trial for examining the Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE Law) and Law Number 28 of 2014 concerning Copyright (Copyright Law) was held on Tuesday (10/3/2020) at the Constitutional Court (CC). The agenda of the hearing was to hear the statements of government experts and witnesses, namely Lily Rustandi as a broadcasting expert and Charles Michael Bura as a Witness from the Ministry of Communication and Information (Kominfo).

"The Broadcasting Law does not provide a definition of replaying. The definition given is the term broadcast. Whereas broadcast is a message or a series of messages in the form of sound, picture or sound and picture or in the form of graphics, characters, either interactive or not that can be received through broadcast receiving devices," said Lily to the Panel of Judges presided over by the Chief Justice of the Constitutional Court Anwar Usman.

Lily said that the Broadcasting Law also regulates broadcast copyright protection, there is a provision that in broadcasting a broadcast program, broadcasting institution must state broadcasting rights. In addition, the broadcasting rights of each broadcast program are protected under the applicable laws and regulations.

Meanwhile, Charles Michael emphasized that broadcasting institution shall be required to have a

broadcasting permit, thus they must apply for broadcasting permits.

"They have to prepare administrative documents, technical documents and documents for broadcast programs. From these documents, an evaluation will be carried out by Communication and Information (Kominfo) and the Indonesian Broadcasting Commission," said Charles.

Charles added, specifically for the broadcast program aspect, it includes the amount of broadcast program channels, the length of the broadcast program and the content of the broadcast program. "After this document is submitted and evaluated by the Indonesian Broadcasting Commission, they will issue a recommendation on the feasibility that will be brought to a meeting forum with the Ministry of Communication and Information and the Indonesian Broadcasting Commission," said Charles.

As it is known, the Petitioner for the Case Number 78/PUU-XVII/2019 was filed by PT. Nadira Intermedia Nusantara who reviewed Article 32 paragraph (1) of ITE Law and Article 25 Paragraph (2) letter a of Copyright Law because they were deemed to have done "broadcast replay". The Petitioner who implemented the provision of the Broadcasting Law to distribute at least 10% of the programs of public broadcasting institution (TVRI) and private broadcasting institution (private TVs broadcasting free to air) were actually reported by employees of PT. MNC SKY VISION to the police for broadcasting creations of MNC Group TV. (Nano Tresna A.)



GENERAL SECRETARY OF THE CONSTITUTIONAL COURT

M. GUNTUR HAMZAH

PEOPLE SAFETY IS THE HIGHEST LAW

The international community is currently facing a major problem in the health sector, namely the Corona Virus Diseases 19 (Covid-19) pandemic. Countries in the world, including Indonesia, are trying to take steps to prevent the spread of the Covid-19 while at the same time take strategic policies to counter measure the effects of the Covid-19 pandemic.

Preventive steps must be put forward to hinder the rate of transmission of the Covid-19. What preventive steps and policies has the Constitutional Court (MK) taken to break the chain of the spread of the Covid-19? Follow the statement of the Secretary General of the Constitutional Court M Guntur Hamzah to CC Media crew via mobile phone, on Friday (10/04/2020) night.



What steps has the Constitutional Court (MK) taken to break the chain of the spread of the Covid-19? What factors are behind the said steps?

The role of the Constitutional Court in the context of breaking the chain of the spread of the Covid-19 follows the policies, directions and suggestions of the Government. This is shown by the Constitutional Court as a stance of concern for human safety and health, including the health of the Honorable Constitutional Judges and all staff of the Constitutional Court. The safety of human life is more important than others.

The Constitutional Court has taken strategic steps in efforts to prevent the spread of the Covid-19 outbreak. This is stated in Circular Letter (SE) of the Secretary General of the Constitutional Court Number 7 of 2020 concerning Health Precautions and Suggestions Regarding Covid-19. This Circular Letter Number 7 of 2020 reminds all employees of the Constitutional Court to always maintain their health and follow official protocols and notices related to the Covid-19 pandemic matter.

Since when did the Constitutional Court implement the Work from Home (WFH) policy?

Along with the development of the spread of the Covid-19 matter, the Constitutional Court issued several policies that are in line with Government policies, namely Circular Letter Number 11 of 2020 concerning Efforts to Prevent the Spread of the Corona Virus Diseases 2019 (COVID-19) within the Constitutional Court. This Circular Letter was stipulated on March 16, 2020. Its

contents supplemented the previous circular letter, namely Number 7 of 2020.

Then on March 22, 2020, the Constitutional Court issued Circular Letter Number 17 of 2020 concerning the Implementation of Work from Home (WFH) for Constitutional Judges, Ethics Council, Structural and Functional Officials, Assistance Personnel of the Indonesian National Army/National Police, PPNPN and Mancadaya Personnel within the Constitutional Court. On March 31, 2020, the Constitutional Court issued Circular Letter Number 19 of 2020 as an amendment to the Circular Letter Number 17 of 2020.

Efforts to prevent the spread of the Covid-19 continued. The government through the Ministry of Administrative and Bureaucratic Reform (PANRB) on April 9, 2020 issued Circular Letter of the Minister of Administrative and Bureaucratic Reform Number 45 of 2020 concerning Working System Adjustment for State Civil Apparatus at Government Institutions under the Area with Large Scale Social Restriction Stipulation. Following up the Circular Letter of the Minister of Administrative and Bureaucratic Reform Number 45 of 2020, the Constitutional Court today issued Circular Letter Number 20 of 2020 concerning Amendment to Circular Letter Number 18 of 2020 concerning Implementation of Work from Home (WFH) for Constitutional Judges, Ethics Council, Structural and Functional Officials, Assistance Personnel of the Indonesian National Army/National Police, PPNPN and Mancadaya Personnel within the Constitutional Court. I just signed it

about Fully Work from Home, Circular Letter Number 20 of 2020, in line with government policies implementing large scale social restriction in Jakarta. With the issuance of the Circular Letter Number 20 of 2020, all employees within the Registrar's Office and the Secretariat General of the Constitutional Court are required to Fully Work from Home.

In the Circular Letter, the services of the Constitutional Court changed. This does not mean that the services of the Constitutional Court were closed or eliminated. But it only changed from physical to electronic service. All types of services continue to run but using an electronic method.

However, the full implementation of the work from home system is not absolute. There must certainly be employees who come to the office. Therefore, a picket duty officer was formed, namely echelon II officials who came to the office in turn. This picket officer ensures coordination from the office with employees who work from home to keep running, considering that in the office there is a server that cannot be done by the work from home method. The existence of server functions to strengthen the work from home.

How is the control mechanism for the implementation of work from home applied by the Constitutional Court?

The Constitutional Court applies an online attendance system. The presence of CC employees in activities at their respective homes in different places can be detected through online attendance. The employees do online attendance from their house, the addresses are

clear, and so are the date and the time. All are detected through the online system using Google Map. Wherever employees do attendance from working from home, photos, how to work and reports related to what they do will be clearly detected.

The work of the employees from their respective homes can be detected because the results of the work are submitted to the dashboard which is an internal information system for all employees. In the dashboard, every employee of the Constitutional Court reports their work. Through the employee dashboard and SIKD, office activities done at home can be monitored and accounted for. SIKD is borderless, no longer see wherever and whenever you work. Everything can be done without being hindered even by a holiday. Like today, it is holiday and red date, but I saw in SIKD a lot of letters were made today and I also signed those letters.

Dynamic Archival Information System (SIKD), equipped with a digital signature that has an electronic certificate makes the work done by employees can be controlled and carried out properly. The work can be carried out from home because the Constitutional Court's Information and Communication Technology Team (ICT Team) opens access to all employees. To expedite the activities of employees from home to run optimally and properly, the picket officer at the office must certainly ensure that the server and network still run properly.

Justice must be upheld, even though the sky will fall (*Fiat justitia ruat cae-lum*). That is the sentence uttered by Lucius Calpurnius Piso Cae-soninus.

How can the Constitutional Court continue to provide access to justice to the justice-seeking community in the midst of the Covid-19 pandemic?

The Constitutional Court is institutionally well-organized and well-planned. From the beginning, the Constitutional Court has equipped itself with electronics-based working system. This makes the Constitutional Court personnel easily adapt when they have to work at home by utilizing technology in the midst of the Covid-19 outbreak.

Therefore, when the Covid-19 disaster occurred forcing all employees to work at home, for the Constitutional Court this was not something that caused difficulties. The Registrar's Office and the Secretariat General of the Constitutional Court have prepared steps in case trials continues to be held in this condition. Of course the trial is held by following rules and protocols for preventing Covid-19 such as physical distancing. Trial testing has been carried out, for example 5 Constitutional Judges sit in the plenary court room, while 4 other Constitutional Judges are in the panel court room on the 4th floor of the Constitutional Court Building.

We have tried to explore using CloudX technology from PT Telkomsel. Yesterday we had a meeting. The Constitutional Court's services are still operating, there is no problem because we can handle them online through the page of the Constitutional Court. Services to public have not decreased. However, considering the current condition, the thing needs to be considered very carefully is safety matter.

Moreover, after seeing the condition of DKI Jakarta where the Constitutional

Court building is located, currently Jakarta has been designated as an area with PSBB (Large Scale Social Restriction) status. People and citizen safety is much higher than the constitution itself.

Your suggestion to all employees within the Constitutional Court

To all employees in the Registrar's Office and the Secretariat General of the Constitutional Court should always maintain health, always follow the Covid-19 prevention protocol, namely keeping distance, not leaving house except for very urgent basic needs such as food needs. Guntur expected that all employees could work optimally based on good intention, working from home using all the electronic media services of the Constitutional Court.

Moreover, I suggest employees to remain calm, always pray that this Covid-19 to pass quickly. To all employees within the Registrar's Office and the Secretariat General of the Constitutional Court should maintain health, always follow the Covid-19 protocol, namely keeping distance. Carry out work optimally based on good intentions by using the work from home system and coordinate using all electronic media services of the Constitutional Court. Do not leave the house except for very urgent basic needs such as food or medicine. Employees should remain calm and always pray from home, hopefully this Covid-19 will pass quickly. ■

NUR ROSIHIN ANA



PANDEMIC COVID-19, CONSTITUTIONAL JUDGES COORDINATE RELATED TO THE ONLINE TRIAL

The Constitutional Court (CC) held a discussion meeting related to agenda for holding trials against cases in process, both for follow-up and judgment trials that had to be scheduled on network (online). The Chief Justice of the Constitutional Court Anwar Usman accompanied by the Deputy Chief Justice of the Constitutional Court Aswanto held a coordination meeting with the Secretary General of the Constitutional Court M. Guntur Hamzah and the Registrar of the Constitutional Court Muhidin along with other structural and functional officials at the Constitutional Court Meeting Room and via long distance communication technology on Monday (30/3/2020).

At this meeting, the Registrar of the Constitutional Court Muhidin said that there were three options that could be

made when holding judgment trial later. First, all constitutional judges were present in the courtroom by applying physical distancing by using the three court rooms of the Constitutional Court, namely the Plenary Court Room on the 2nd floor of the Constitutional Court Building and two Panel Me Court Rooms on the 4th floor of the Constitutional Court Building. Second, for regional constitutional judges could still hold judgment trial using long distance communication technology, while constitutional judges in Jakarta and in good health could also hold trials at a predetermined court room. Third, judges who fully implement the Work from Home system could carry out regular trial by utilizing communication technology already determined by the Registrar's Office of the Constitutional Court.

Next, in relation to providing support to litigant parties at the Constitutional Court, Junior Registrar II Wiryanto said

that it is necessary for the Constitutional Court to disseminate the utilization of technology and the efficiency of online trial mechanisms that still conformed to the provisions of proceedings at the Constitutional Court. "There needs to be a long distance trial guidance from the CC IT Team, especially for parties who are not supported by these technological facilities and infrastructure," said Wiryanto in a long distance connection.

Regarding this, the Constitutional Court continued to conduct online trial testing using an application that allowed public to access from their respective homes, including Jabber, Zoom, and Cloudfx. This is because so far the court's long distance trials using video conferences (video conferences/vicon) can only be accessed at local universities. Meanwhile, related to the Covid-19 pandemic, many universities have closed. ■

Coordination meeting of the Constitutional Court with Chief Justice of the Constitutional Court Anwar Usman and Deputy Chief Justice of the Constitutional Court Aswanto at the Constitutional Court Meeting Room, Monday (30/3/2020). Photo: Public Relation of the Constitutional Court.



Constitutional Judge Daniel P. Foekh underwent a Covid-19 rapid test detection in Kemayoran, Central Jakarta. Photo: Public Relation of the Constitutional Court.

HUMAS MK

COVID-19 RAPID TEST

Covid-19 detection rapid test activity to Deputy Chief Justice of the Constitutional Court (MK) Aswanto, Constitutional Judges Wahiduddin Adams, Manahan MP Sitompul and Daniel Yusmic Pancastaki Foekh was carried out by the Polyclinic Team of the Constitutional Court at the residence of each of the constitutional judges on Monday (6/4/2020).

"Alhamdulillah, the results of the Covid-19 rapid test detection to the Deputy Chief Justice of the Constitutional Court and four judges of the Constitutional Court were all negative," said Doctor Verra Yunita Mamonto as the Constitutional Court Primary Clinic Coordinator contacted by telephone.

According to Verra, the Covid-19 rapid test detection activity within the Constitutional Court was the fastest when compared to other institutions. So far, said Verra, 88 people had undergone rapid tests, including constitutional judges. "We plan to continue the rapid test on April 7, 2020 to the Chief Justice of the Constitutional Court Anwar Usman and Constitutional Judge Suhartoyo," said Verra.

Regarding the rapid test mechanism, Verra explained that the test will prioritize medical personnel, constitutional judges, court officials, assistant judges and employees in general. "We have prepared around 520 rapid test kits. If later indicated persons are found, (CC) has also cooperated

with the Army Hospital for further treatment," said Verra.

As it is known, one of the work units at the front guard of the CC Covid-19 Task Force is the Constitutional Court Clinical Medical Personnel. The CC Clinical Medical Personnel consists of 13 people, namely two general practitioners, two dentists, four nurses, two pharmacists, one physiotherapist and medical laboratory staff. Verra Yunita Mamonto as the coordinator of the CC Clinical Medical Personnel explained that the Constitutional Court had opened the CC Primary Clinic Covid-19 Station to deal with the Covid-19 pandemic within the Registrar's Office and Secretariat General of the Constitutional Court. ■

NANO TRESNA A.



CARRY OUT DUTIES FROM HOME WITH WORSHIP INTENTION

The Chief Justice of the Constitutional Court Anwar Usman carries out office duties while working from home, work from home (WFH). Photo: Public Relation of the Constitutional Court.

The Constitutional Court follows all Government policies regarding efforts to break the chain of the spread of the Corona Virus Diseases 19 (Covid-19). Especially since the Government stipulated the spread of the Covid-19 as a national disaster as stipulated in the Presidential Decree of the Republic of Indonesia Number 12 of 2020 concerning Stipulation of Non-Natural Disaster of the Spread of the Corona Virus Diseases 2019 (Covid-19) as a National Disaster. Even before the Presidential Decree was enacted, the Constitutional Court had issued several policies. Of course, some of the Constitutional Court's policies in an effort to prevent the spread of the Covid-19 are in line with Government policies.

This was conveyed by the Chief Justice of the Constitutional Court Anwar

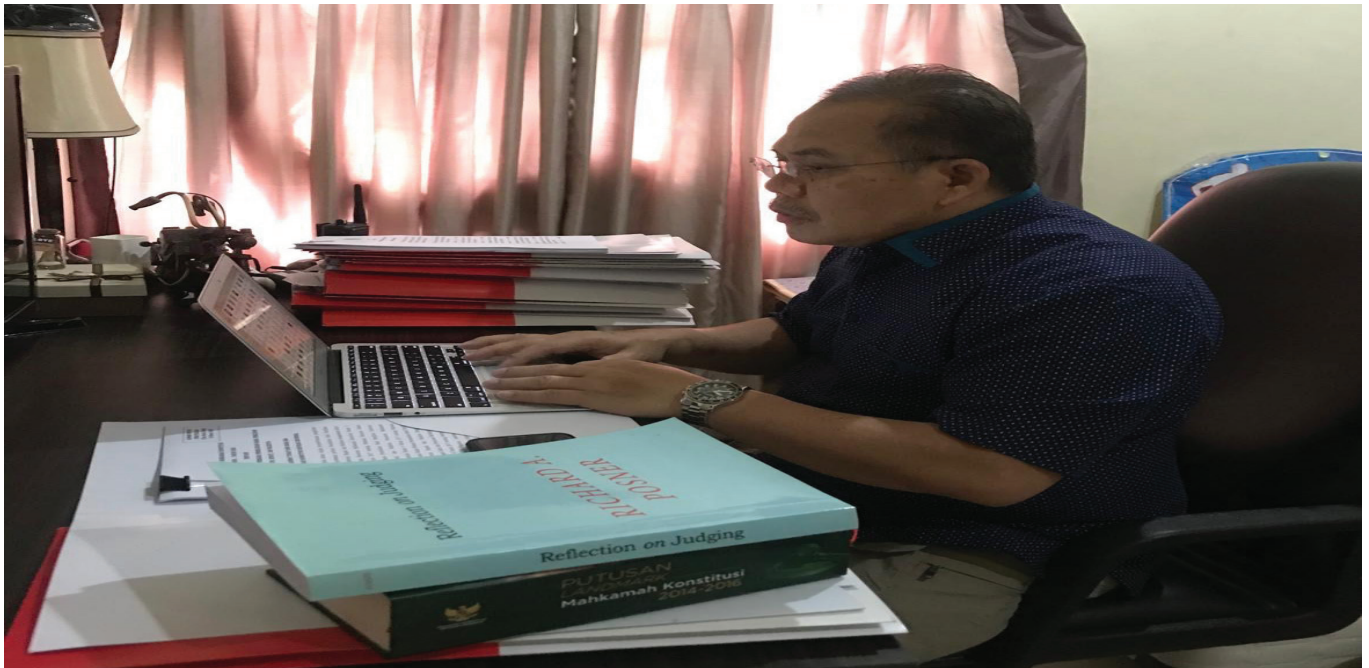
Usman in response to questions from the CC Media, Wednesday (15/4/2020). Anwar quoted the 3rd paragraph of the Preamble to the 1945 Constitution that the main objective of establishing a state Government was, among others, to protect the entire Indonesian nation and native land. "Of course, this includes protection for health, safety and life. All of that is further regulated in laws and regulations which in essence place health, safety and life protection above everything else," explained Anwar in a written answer.

Regarding WFH, Anwar emphasized that WFH applied to all, including the Chief Justice of the Constitutional Court. During WFH Anwar admitted that he continued to carry out his duties and responsibilities, both as a Constitutional Judge and as Chief Justice of the Constitutional Court. Carrying out duties as Chief Justice includes, among

others, completing administrative duties, such as correspondence, both between government state/institution, as well as among CCs from all countries.

Referring to upholding justice in the midst of the Covid-19 pandemic, Anwar stated, for the Constitutional Court, providing justice, both substantive and procedural justice is a manifestation of the implementation of Article 24 Paragraph (1) of the 1945 Constitution. In the midst of the Covid-19 pandemic, the Constitutional Court has never stopped implementing mandate of the Constitution through various facilities and infrastructure provided by the Registrar's Office and the Secretariat General of the Constitutional Court for justice seekers. People who submit applications are still served electronically through the Constitutional Court page. ■

NUR ROSIKIN



The Deputy Chief Justice of the Constitutional Court Aswanto works at home by examining cases of judicial review. Photo: Public Relation of the Constitutional Court.

KEEP EXPLORING CASES WHILE WORKING AT HOME

While working from home (WFH) due to the Covid-19 pandemic, Deputy Chief Justice of the Constitutional Court (MK) Aswanto continued to examine, read and explore cases. The cases being examined are cases still in process or those already finished for trial examination to be entered into RPH (Judge Deliberation Meeting) for trial to pronounce judgment later. "Regarding online case examination, we have discussed it with

judges, registrars and secretary general. The General Secretary has also sent toga to the residences of each judge," said Aswanto conducting an interview via electronic mail with the CC Media, on Thursday (16/4/2020).

According to Aswanto, his activities during work from home were quite diverse. For example, sparing time to read various literature related to requests, watching and listening to television and internet news and exercising on a stationary bike. In addition, Aswanto often communicated

via telephone or messaging applications with relatives discussing many things related to health and work conditions. Another and no less important thing was to face the Covid-19 outbreak, Aswanto often provided motivation to family and friends to remain calm. Because everything in a person's life has been determined by Allah SWT. "Keep praying, worshipping, getting closer to the Almighty and obeying the government suggestion, including WFH," he said wisely. ■

NANO TRESNA ARFANA



PROPOSAL TO ESTABLISH LEGAL AID CENTER

A number of advocates came to the Constitutional Court (MK) Building to discuss the ease of access to the Constitutional Court's trial for public, especially justice seekers on Thursday (19/3/2020).

Three advocates who were present, namely Viktor Santoso Tandiasa, Johanes Mahatma Pambudianto and Arief, were received directly by the Secretary General of the Constitutional Court M. Guntur Hamzah, Junior Registrar I Triyono Edy Budhiarto, Junior Registrar II Wiryanto, Junior Registrar III Ida Ria Tambunan, Head of Public Relation Bureau and Protocol Heru Setiawan, Acting Head of the Legal and Administrative Bureau of the Registrar's Office, Tatang Garjito and Researcher of the Constitutional Court Nallom Kurniawan.

Viktor, representing the advocates who were present, conveyed problems faced by the community in applying for judicial review of law. According to Viktor, ordinary people were constrained in applying good requests. In his opinion,

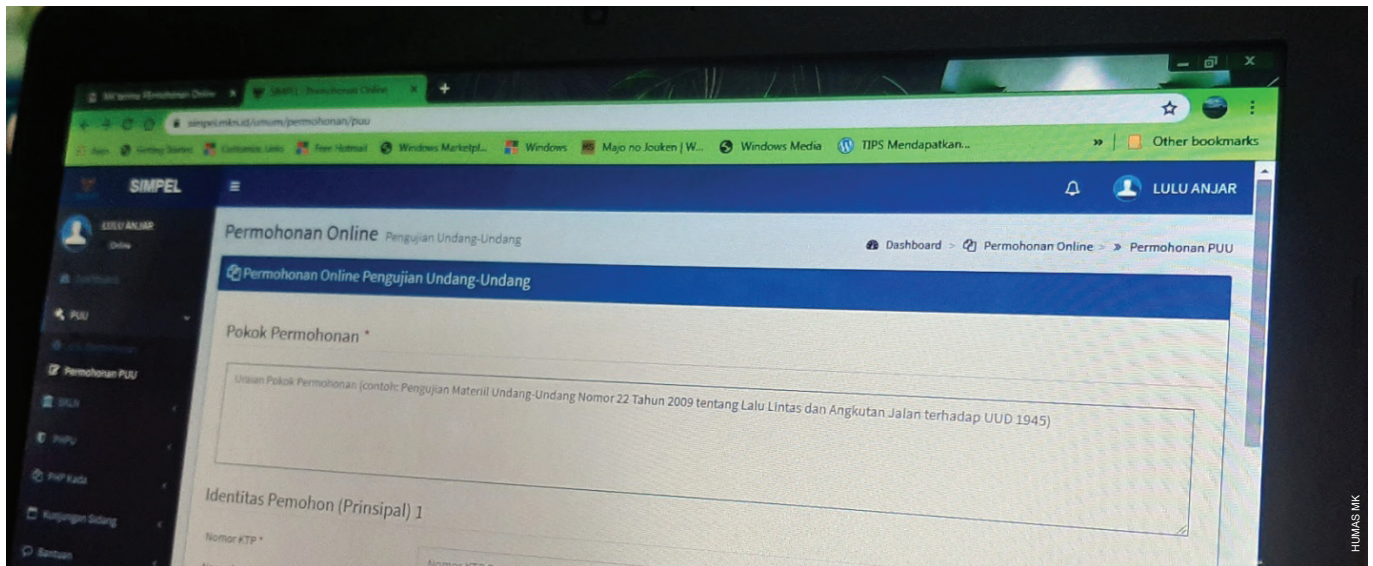
the case admission counter was limited to only guidance in terms of making an application in accordance with the applicable format.

"I observe development in the Constitutional Court, not all legal assistance posts at court understand the procedural law of the Constitutional Court in depth. When there is a citizen who wants to consult, he/she will come to the Constitutional Court and be directed to counter for the case, but the consultation given is only information, it is indeed very limited and does not cover the substance matter," said Viktor.

Due to this limitation, Viktor said that perhaps the Constitutional Court needed to establish a constitutional case aid post, such as a court at first level that has a legal aid post, which provides free legal aid to poor justice seekers.

Regarding the proposal, the Secretary General of the Constitutional Court M. Guntur Hamzah welcomed the idea of the Constitutional Court's openness in providing consultations to community. In his opinion, there were indeed community limitations in the justice-seeking community in compiling an application. Moreover, there were limitations for constitutional judges and staff of the Constitutional Court not to be included in the substance of the Application. Guntur said that if the Constitutional Court provided a space for the community to consult through the Constitutional Court pad as the suggestion submitted, this would provide new inspiration for the Constitutional Court to open interactive services and make video shows explaining citizens' constitutional rights. ■

ILHAM



Features of the request for judicial review in the simpler.mkri.id application. Photo: Public Relation

DURING THE COVID-19 PANDEMIC, THE CONSTITUTIONAL COURT RECEIVED SEVEN ONLINE REQUEST

Since implementing work from home (WFH) on March 17, 2020 due to the Covid-19 pandemic, the Constitutional Court (MK) has continued to accept online request. This was done by the Constitutional Court as an effort to guarantee the constitutional rights of citizens who have been violated due to the existence of a law. Until April 16, 2020, as many as seven requests entered through the simpler.mkri.id application.

Contacted by phone, Junior Registrar I of the Constitutional Court Triyono Edy said the Constitutional Court did indeed accept online request during the Covid-19 pandemic. Regarding the submitted request, the Registrar's Office of the Constitutional Court examined the completeness of requirements. If the

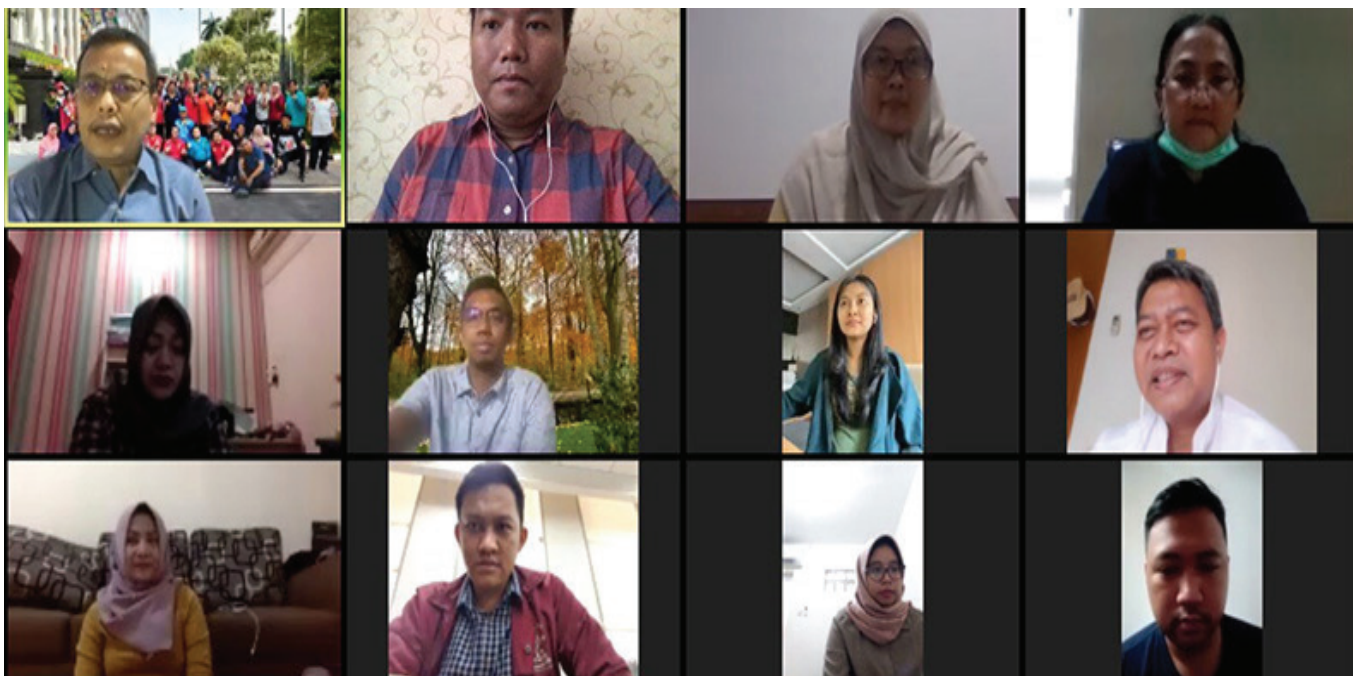
request has been declared complete and fulfilled the requirements, the Registrar's Office of the Constitutional Court would register and gave a case number to the request. "Furthermore, stipulation of panel of judges will be made. Then the stipulation on the first day of trial, PP stipulation, trial scheduling are made, and then court summons. And the trial is conducted online via Vicon (video conference, Cloudx)," said Edy, contacted on Thursday (16/4/2020) afternoon.

On April 9, 2020, a request was submitted by the Anti-Corruption Community (MAKI) related to Government Regulation in Lieu of Law (Perppu) Number 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling Covid-19. Then three other citizens submitted an

application related to judicial review of the Government Regulation in Lieu of Law No.1 of 2020 on April 14, 2020, namely Din Syamsuddin, Amien Rais, and Sri Edi Swasono.

For justice seekers who wish to submit their case online to the Constitutional Court can directly access simpler.mkri.id. Then the Petitioner can register himself to get a login account to simpler.mkri.id. After that, the Petitioner can access the PUU request and fill in the column provided. Furthermore, the Petitioner will automatically receive an online application receipt. If the application has been registered, the Petitioner will get notice from the Registrar's Office of the Constitutional Court via electronic mail and message via a smart phone. ■

PANJI



The activities of the Secretary General of the Constitutional Court M. Guntur Hamzah, echelon officials and employees of the Constitutional Court, when carrying out work from home were monitored by the Constitutional Court's information and communication technology system. (Public Relation of the Constitutional Court).

PRIORITIZE CITIZEN SAFETY

The Corona Virus Diseases 19 (Covid-19) pandemic has turned into a problem that has shocked the world. Countries in the world, including Indonesia, are ready to take a series of measures to prevent the spread of the Covid-19 outbreak. In the context of breaking the chain of the spread of the Covid-19, the Constitutional Court follows the Government policy, direction and suggestion as a stance of concern for human safety. "The Constitutional Court follows the policy, step and suggestion of the Government in relation to Covid-19," said the Secretary General of the Constitutional Court M. Guntur Hamzah by phone to the CC Media, on Friday (10/04/2020).

Guntur said, the Constitutional Court has taken strategic steps in efforts to prevent the spread of the Covid-19 outbreak. This is stated in Circular Letter (SE) of the Secretary General of the Constitutional Court

Number 7 of 2020 concerning Health Precautions and Suggestions Regarding Covid-19. Along with the development of the spread of the Covid-19 matter, Guntur Continued, the Constitutional Court issued several policies that are in line with Government policies. The said policy is Circular Letter Number 11 of 2020 concerning Efforts to Prevent the Spread of the Corona Virus Diseases 2019 (COVID-19) within the Constitutional Court. This Circular Letter was stipulated on March 16, 2020, this supplemented the previous circular letter, namely Number 7 of 2020. Then on March 22, 2020, the Constitutional Court issued Circular Letter Number 17 of 2020 concerning the Implementation of Work from Home (WFH) for Constitutional Judges, Ethics Council, Structural and Functional Officials, Assistance Personnel of the Indonesian National Army/National Police, PPNPN and Mancadaya Personnel within the Constitutional Court. On March 31,

2020, the Constitutional Court issued Circular Letter Number 19 of 2020 as an amendment to the Circular Letter Number 17 of 2020.

The Constitutional Court is institutionally well-organized and well-planned. From the beginning, the Constitutional Court has equipped itself with electronics-based working system. This makes the Constitutional Court personnel easily adapt when they have to work at home by utilizing technology in the midst of the Covid-19 outbreak. What the Constitutional Court employees do from their respective homes can be detected because the results of the work are submitted to the dashboard which is an internal information system for all employees. In the dashboard, every employee of the Constitutional Court reports their work. Through the employee dashboard and SIKD, office activities done at home can be monitored and accounted for. ■

NRA

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