



**THE CONSTITUTIONAL COURT  
REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION  
ON CASE NUMBER 94/PUU-XVIII/2020**

**Concerning**

**Arrangement of Basic Salary, Professional Allowance, Special Allowance, and Honorary Allowance for Teachers, Lecturers, and Professors**

**Petitioner** : **Ahmad Amin**

**Case** : Review of Law Number 14 of 2005 concerning Teachers and Lecturers (Law 14/2005) against the 1945 Constitution of the Republic of Indonesia (UUD 1945).

**Case of Lawsuit** : Article 16 paragraph (2), Article 18 paragraph (2), Article 53 paragraph (2), Article 55 paragraph (2), and Article 56 paragraph (1) of Law 14/2005 contradicts Article 4 paragraph (1), Article 20A paragraph (1), Article 23 paragraph (1) and paragraph (2), and Article 28D paragraph (1) of the 1945 Constitution.

**Injunction** : Declare the petition of the Petitioner cannot be accepted.

**Date of Decision** : Thursday, January 14, 2021.

## **Decision overview :**

Whereas the Petitioner is an individual Indonesian citizen, as a civil servant (PNS) who do not receive a salary increase because the budget is used for professional allowances and special allowances for teachers and lecturers, as well as honorary allowances for professors;

In relation to the authority of the Court, because the Petitioner's petition is a petition to review the constitutionality of the norms of the Law, in casu of the Law Number 14 of 2005 concerning Teachers and Lecturers (Law 14/2005) against the 1945 Constitution, the Court has the authority to adjudicate the Petitioner's a quo petition.

Before the Court considers the legal standing of the Petitioner and the subject of the petition, the Court first considers the Petitioner's petition as follows:

1. Whereas the Court has examined the a quo petition in the preliminary hearing session on November 17, 2020 and provided advice to the Petitioner to revise as well as clarify matters relating to the Petitioner's petition in accordance with the systematic petition as regulated in Article 31 paragraph (1) and paragraph (2) of the Constitutional Court Law as well as Article 5 paragraph (1) letter a, letter b, letter c, and letter d of Constitutional Court Regulation Number 06/PMK/2005 concerning Guidelines for Proceeding in Cases of Judicial Review (PMK 6/2005);
2. Whereas the Petitioner has corrected his petition as received at the Registrar of the Court on November 27, 2020 and examined in the hearing for the examination of the revision of the petition on December 8, 2020 and the Petitioner in the revision of his petition systematically describes: Title, Identity of the Petitioner, Authority of the Constitutional Court, Legal Standing of the Petitioner, the *Posita*, and the *Petitum*;

3. Whereas although the format for the revision of the Petitioner's petition is basically in accordance with the format of the petition for judicial review as regulated in Article 31 paragraph (1) and paragraph (2) of the Constitutional Court Law as well as Article 5 paragraph (1) letter a, letter b, letter c, and letter d of PMK 6/2005, after the Court carefully examined the legal standing section, the Petitioner did not specifically describe the existence of a causal relationship that with the entry into force of the articles petitioned for review, it is considered detrimental to the Petitioner as a civil servant (PNS) of an Indonesian citizen who did not receive a salary increase because the budget was used for professional allowances and special allowances for teachers and lecturers, as well as honorary allowances for professors. The Petitioner's Petition did not at all explain the loss of the Petitioner's constitutional rights with the application of the norm petitioned for review. On the contrary, he argued that there is legal uncertainty in the authority of the high state institutions that determine the amount of the budget in question.

Besides, in the Petitioner's Petition that reads: "it is stated that it is conditionally constitutional as long as it fulfills the requirements that there is no obligation or order to the President on the determination of the amount of state financial expenditure so that the phrase "is equivalent to 1 (one) times the basic salary" or "equivalent to 2 (two) times the basic salary" in the article and paragraph is not legally binding" is a conflicting will. On the one hand, the Petitioner wanted the a quo norms to be constitutionally conditional, while on the other hand, he petitioned that the a quo norms be contrary to the 1945 Constitution. Furthermore, if a new interpretation is to be given, the formulation of the new interpretation desired by the Petitioner must be stated so that the norms become constitutional in accordance with the reasoning of the Petitioner. However, in the *Posita*, the Petitioner did not at all put forward a new

formulation for the phrase “equal to 1 (one) times the basic salary” or “equivalent to 2 (two) times the basic salary” but instead wanted the President not to be obliged to fulfill the obligations as stipulated in Article 16 paragraph (2), Article 18 paragraph (2), Article 53 paragraph (2), Article 55 paragraph (2), and Article 56 paragraph (1) of Law 14/2005.

Based on the description of the legal considerations above, according to the Court, the Petitioner’s petition is unclear (unsettled) because it does not meet the formal requirements of the petition as referred to in Article 30 and Article 31 paragraph (1) of the Constitutional Court Law and Article 5 paragraph (1) of PMK 6/2005. Therefore, the Court did not consider the Petitioner’s petition further.

Therefore, the Court issued a decision stating that the Petitioner’s petition cannot be accepted.