



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

**THE SUMMARY OF DECISION
CASE NUMBER 44/PUU-XIX/2021**

Concerning

Mechanism for Presidential Candidates and Vice Presidential Candidates

Petitioner	: Martondi, et al
Type of Case	: Judicial Review over Law Number 7 of 2017 regarding General Elections (Law 7/2017) against the Constitution of the Republic of Indonesia of 1945 (1945 Constitution)
Subject Matter	: Judicial Review over Article 223 paragraph (1) of Law 7/2017 against Article 27 paragraph (1), Article 28C paragraph (2), Article 28D paragraph (1) and paragraph (3), and Article 28I paragraph (2) of the 1945 Constitution
Verdict	: To declare that the Petitioners' petition be dismissed.
Date of Decision	: Wednesday, September 29 th , 2021
Overview of Decision	:

The Petitioners are Indonesian citizens who are part of the people outside the political party groups and are not affiliated either directly or indirectly with political parties.

In relation to the jurisdiction of the Court, given that the Petitioners' petition is to review the constitutionality of legal norms, in this case Article 223 paragraph (1) of Law 7/2017 against the 1945 Constitution, the Court has the jurisdiction to hear such petition.

Whereas upon the Court's examination and observation of the revised petition, the Petitioners requested a review of Article 223 paragraph (1) of Law 7/2017 but the Petitioners elaborated more on the Constitutional Court's Decision Number 102/PUU-VIII/2009 as a reference rather than outlining the conflicting norms being reviewed. In fact, according to the Court, the main issue that should have been covered by the Petitioners is the legal argumentation related to the contradiction of Article 223 paragraph (1) of Law 7/2017 with the provisions of the 1945 Constitution which become the basis for the review. The foregoing is as regulated in Article 10 paragraph (2) letter b number 3 of the Constitutional Court Regulation Number 2 of 2021 regarding Proceedings of Judicial Review Cases (PMK 2/2021). In addition, the Petitioners in their arguments acknowledge that the right to nominate presidential and vice-presidential candidates is the right of political parties but the Petitioners turn to question the internal mechanism of political parties despite the fact that both matters are contradictory with each other. Due to the said description, the arguments in the Petitioners' petition in this respect became ambiguous.

Whereas in addition to the ambiguity of the Petitioners' arguments, the claims number 2, number 3 and number 4 in the petition are also ambiguous and unusual in accordance with Article 10 paragraph (2) letter b of PMK 2/2021. The claim number 2 is not elaborated in the arguments and there is no explanation about its contradiction with the norms under the 1945 Constitution, and the claim number 3 is also ambiguous in

terms of the relief requested by the Petitioners. Similarly, the claim number 4 is not commonly stated in petitions for judicial review submitted to the Constitutional Court.

Therefore, pursuant to Article 10 paragraph (2) letter b and letter d of PMK 2/2021, the arguments in the petition are deemed ambiguous and there is a lack of argumentation about the unconstitutionality of Article 223 paragraph (1) of Law 7/2017 and the claims in the petition are not consistent with the grounds of the petition; furthermore, the claims in the petition are not commonly stated in petitions for judicial review submitted to the Constitutional Court. In relation to the foregoing, the Court has advised the Petitioners to revise their petition but under the revised petition, the Petitioners remain with their argumentation. Therefore, in the Court's opinion, the Petitioners' petition is vague or unclear and for that reason, the Court shall not assess the legal standing of the Petitioners and the merits.

Upon the above consideration, the Court is in the opinion that the Petitioners' petition is not legally justifiable in its entirety and therefore the Court has made a decision that declares in its verdict that the Petitioners' petition is dismissed.