



THE CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA

THE SUMMARY OF THE DECISION
OF CASE NUMBER 42/PUU-XVIII/2020

Concerning

Government Accountability Regarding the Use of Budgets
in Handling the Covid-19 Pandemic

Petitioner : Iwan Sumule, et al.
Type of Case : Review of Law Number 2 of 2020 on the Stipulation of the Government Regulation in Lieu of Law Number 1 of 2020 regarding the State's Financial Policy and Fiscal Stability for the Mitigation of the Coronavirus Disease 2019 (Covid-19) Pandemic and/or in Order to Face Threats That Endanger the National Economy and/or the Stability of the Financial System into Law (UU 2/2020) against the 1945 Constitution of the Republic of Indonesia (UUD 1945)

Subject Matter : Review of Article 1 paragraph (3) letter b, Article 1 paragraph (5), Article 2 paragraph (1), Article 3 paragraph (2), Article 4 paragraph (1) letter a and letter d, Article 9, Article 11 paragraph (3), Article 12 paragraph (2), Article 14, Article 16 paragraph (1) letter c, Article 19 paragraph (1) and paragraph (2), Article 20 paragraph (1) letter b number 1, Article 20 paragraph (1) letter b number 3, Article 20 paragraph (1) letter c, Article 22 paragraph (1), Article 24 paragraphs (1), Article 25, Article 26 paragraph (1), Article 27 paragraph (1) to paragraph (3) of Attachment to Law 2/2020 against Article 1 paragraph (3), Article 23 paragraph (1), paragraph (2) and paragraph (3), Article 23A, Article 23D, Article 23E paragraph (1), and Article 28D paragraph (1) of the 1945 Constitution

Verdict : To declare that the Petitioners' petition is inadmissible

Date of Decision : Thursday, October 28, 2021

Overview of Decision :

The Petitioners are individual Indonesian citizens whose sovereignty is represented by the House of Representatives and declare themselves to be members of the Pro-Democracy Activists (ProDEM). The Petitioners think that their constitutional rights have been impaired in terms of obtaining government accountability related to the use of the budget in handling the Covid-19 pandemic as statutory regulations have been hindered by the enactment of *a quo* norms. Regarding the authority of the Court, because the petition of the Petitioners is Law 2/2020, the Court has the authority to hear the petition of the Petitioners.

Regarding the legal standing of the Petitioners, according to the Court, the Petitioners as individual Indonesian citizens have constitutional rights in terms of obtaining government accountability regarding the use of the budget in handling the Covid-19 pandemic and are harmed by the enactment of Article 1 paragraph (3) letter b, Article 1 paragraph (5), Article 2 paragraph (1), Article 3 paragraph (2), Article 4 paragraph (1) letter a and letter d, Article 9, Article 11 paragraph (3), Article 12 paragraph (2), Article 14, Article 16 paragraph (1) letter c, Article 19 paragraph (1) and paragraph (2), Article 20 paragraph (1) letter b number 1, Article 20 paragraph (1) letter b number 3, Article 20 paragraph (1) letter c, Article 22 paragraph (1), Article 24 paragraph (1), Article 25, Article 26 paragraph (1), Article 27 paragraph (1) to paragraph (3) of Attachment to Law 2/2020. The *a quo* norms has caused the Petitioners to lose their constitutional rights in terms of obtaining government accountability related to the use of the budget in handling the Covid-19 pandemic, the Court is of the opinion that the Petitioners have the legal standing to file the *a quo* petition.

Whereas before the Court considers the subject matter of the petition, the Court will first consider the following matters:

1. The Petitioners' petition is submitted to the Constitutional Court at the time of the spread of Corona Virus Disease 2019 (Covid-19) which shows an increase in transmission from time to time and has caused fatalities as well as material losses that have an impact on social, economic, and community welfare aspects (see the preamble "Considering" Law 2/2020). With regard to these conditions, Presidential Decree Number 12 of 2020 concerning Determination of Non-Natural Disasters the Spread of Corona Virus Disease 2019 as a national disaster therefore it requires all parties to take precautions to prevent the spread of the virus.
2. In an effort to prevent the spread of Covid-19 as stated above and to be in line with the compliance with the Health Protocols (*Protokol Kesehatan* or Prokes) that have been set by the Government, one of them is to maintain a distance or perform physical distancing, then the Court has decided that all trials at the Constitutional Court shall be conducted via internet or online at the Judges Deliberation Meeting on September 10, 2020. Regarding the online trial, the Court has also notified all parties through an invitation letter to attend the online trial. This has also been regulated in Constitutional Court Regulation Number 2 of 2021 concerning Procedures for Judicial Review Cases (PMK 2/2021).
3. The Petitioners filed an objection letter dated October 8, 2020 and October 21, 2020, principally stating their objection to attend the online trial of the *a quo* case. In relation with this letter, the Court has also explained during the trial on October 8, 2020 regarding the Court's decision related to the online trial, including the *a quo* case whose review shall be combined with the petition for judicial review of Law 2/2020 with a total of 7 (seven) cases. The Petitioners in this case should obey the Court's decision, because basically the online trial does not reduce the rights of the Petitioners in proving and fighting for their constitutional interests. In addition, the Petitioners in other cases did not object to the implementation of the online trial. However, the Petitioners still insist on attending the trial in person or directly (offline) at each trial which attendance has been denied until the Court considers the Petitioners to be absent. This is supported by the absence of the Petitioners at each *a quo* trial.

Based on the facts and laws above, according to the Court, the Petitioners have never heeded the Court's order to legally attend the online trial as determined by the Court and this is a form of disobedience to the Court's order regarding the procedures for conducting online trials during the Covid-19 pandemic.

Therefore, based on all the above considerations, according to the Court,

because the Petitioners did not comply with the conduct of the online trial, the subject matter of the petition shall not be considered further.

The Court therefore decided that the Petitioners' petition is inadmissible.