



CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA

SUMMARY OF DECISION
FOR CASE NUMBER 11/PUU-XX/2022

Concerning

Presidential Candidate Threshold (Presidential Threshold)

Petitioner	: Partai Ummat as represented by Ridho Rahmadi as General Chairman of Central Executive Board of Partai Ummat and A. Muhajir as Secretary General of Central Executive Board of Partai Ummat
Type of Case	: Examination of Law Number 7 of 2017 concerning General Election (Law 7/2017) against the 1945 Constitution of the Republic of Indonesia (UUD 1945)
Subject Matter	: Examination of Article 222 against Article 6 paragraph (2), Article 6A paragraph (2), Article 6A paragraph (3), Article 6A paragraph (4), Article 6A paragraph (5), Article 22E paragraph (1), Article 28D paragraph (1), Article 28D paragraph (3), Article 28J paragraph (1), and Article 28J paragraph (2) of the 1945 Constitution.
Verdict	: To declare that the Petitioner's petition is unjustifiable.
Date of Decision	: Tuesday, March 29, 2022

Overview of Decision

The petitioner is a political party that has been registered with the Ministry of Law and Human Rights and has never been verified by the General Elections Commission (*Komisi Pemilihan Umum*) both administratively and factually to be determined as a participant in the General Election.

Regarding the authority of the Court, since the Petitioner petition for the review of Article 222 of Law 7/2017 against the 1945 Constitution, the Court has the authority to hear the Petitioner's petition;

Regarding the legal standing of the Petitioner, whereas in principal the Petitioner argues that the promulgation of the threshold for the Presidential and Vice Presidential candidates (*presidential threshold*) as stipulated in Article 222 of Law 7/2017 has the implications for neglecting and/or violating the constitutional rights of Partai Ummat, *in casu* the Petitioner, as a political party that has the function of channeling the aspirations and/or opinions of the public in proposing a presidential candidate (*right to be a candidate*) in the 2024 general election.

Whereas regarding the Petitioner's argument in relation to the legal standing, the Court in principal considers the following:

- a. Whereas regarding the legal standing of political parties in submitting requests for review of the threshold requirement for presidential candidate *in casu* Article 222 of Law 7/2017, the Court has considered such matter in the Decision of the Constitutional Court Number 74/PUU-VIII/2020 dated January 14, 2021, in paragraph [3.6].
- b. Whereas in the decision, political parties that have legal standing to apply for a review of the norms of Article 222 of Law 7/2017 are political parties or coalitions of political parties that have participated in previous general elections.
- c. Whereas the Petitioner in the *a quo* petition is a new political party registered with the

Ministry of Law and Human Rights and has never been verified by the General Elections Commission (*Komisi Pemilihan Umum* or KPU) both administrative verification and factual verification as the requirements to become a political party participating in the general election. Therefore, the Court is of the opinion that the *a quo* party cannot be declared as a political party participating in the previous General Election, so that there is no constitutional loss on the side of the Petitioner in the *a quo* petition.

- d. Whereas based on all of the aforementioned legal considerations, the Court is of the opinion that the Petitioner does not have the legal standing to file the *a quo* petition, therefore the Court shall not consider the subject matter of the Petitioner's petition.

Based on the considerations as described above, the Court issued a decision which verdict states that the Petitioner's petition was unjustifiable.