



CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA

SUMMARY OF DECISION
FOR CASE NUMBER 46/PUU-XX/2022

Concerning

**Constitutionality of the Institutional Hierarchy
of the Broadcasting Commission (*Komisi Penyiaran*)**

- Petitioner** : Moch. Ojat Sudrajat S.
- Type of Case** : Examination of Law Number 30 of 2014 concerning Government Administration (Law 30/2014) against the 1945 Constitution of the Republic of Indonesia (UUD 1945).
- Subject Matter** : The hierarchy of the Broadcasting Commission in Indonesia is not clear, both in the regional level and in the central level as regulated in Article 4 paragraph (1) letter d of Law 30/2014, it is in contrary to the guarantee of legal certainty as regulated in Article 28D paragraph (1) of the 1945 Constitution;
- Decision** :
1. To grant the withdrawal of the Petitioner's petition;
 2. To declare that the Petition Number 46/PUU-XX/2022 concerning Petition for Judicial Review of Law Number 30 of 2014 concerning Government Administration (State Gazette of the Republic of Indonesia of 2014 Number 292, Supplement to the State Gazette of the Republic of Indonesia Number 5601) against the 1945 Constitution of the Republic of Indonesia is withdrawn;
 3. To declare that the Petitioner cannot resubmit the *a quo* petition;
 4. To order the Registrar of the Constitutional Court to record the withdrawal of Petition Number 46/PUU-XX/2022 in the Electronic Constitutional Case Registration Book (*Buku Registrasi Perkara Konstitusi Elektronik* or e-BRPK) and return a copy of the petition file to the Petitioner
- Date of Decision** : Tuesday, May 31, 2022.

Summary of Decision :

Whereas the Petitioner's petition was received by the Registrar of the Constitutional Court on March 24, 2022 based on the Deed of Submission of the Petitioner's Petition Number 40/PUU/PAN.MK/AP3/03/2022, and recorded in the Electronic Constitutional Case Registration Book (*Buku Registrasi Perkara Konstitusi Elektronik* or e-BRPK) on April 1, 2022. In accordance with Article 34 of the Constitutional Court Law, the Court has conducted a Preliminary Examination of the *a quo* petition through the Panel Trial on April 14, 2022 and

the Panel of Judges has advised the Petitioner to revise the petition;

Whereas the Court has scheduled and conducted an Examination Trial by accepting the Revision of the Petitioner's Petition on May 11, 2022, but before the trial was held, the Clerk of the Court received the Petitioner's Letter Number 050/PRI-MK/V/2022, dated May 9, 2022 concerning the Application for Postponement/Rescheduling of the Trial for Case Number 46/PUU-XX/2022. Then the justice deliberation meeting on May 12, 2022 has granted the request for the rescheduling application as submitted by the Petitioner. The Registrar's Office scheduled a trial regarding the revision of the petition on May 23, 2022. However, on May 20, 2022, the Registrar's Office of the Court received the Petitioner's Letter Number 038/Pri-MK/V/2022 regarding the Application for Withdrawal of Case Number 46/PUU-XX/2022, dated May 20, 2022;

Whereas on May 23, 2022, the Court continued to hold a trial with the agenda of accepting the revision of the Petitioner's petition and in that trial the Petitioner has declared to revoke or withdraw his application as stated in the Petitioner's letter previously submitted;

Whereas based on Article 35 paragraph (1) and paragraph (2) of Law Number 8 of 2011 concerning Amendments to Law Number 24 of 2003 concerning the Constitutional Court, it states that "the Petitioner may withdraw the Petition before or during the examination of the Constitutional Court", and "Withdrawal as referred to in paragraph (1) shall result in the petition being unable to be re-submitted".

Whereas the RPH (judges deliberation meeting) on May 23, 2022 has determined that the revocation or withdrawal of the petition for Case Number 46/PUU-XX/2022 is legally justifiable and the Petitioner cannot re-submit the *a quo* petition. The Court ordered the Registrar of the Constitutional Court to record the withdrawal of the Petitioner's petition in the Electronic Constitutional Case Registration Book (*Buku Registrasi Perkara Konstitusi Elektronik* or e-BRPK) and to return a copy of the petition file to the Petitioner;

Whereas based on the aforementioned legal considerations, the Court issued a decision which stipulates as follows:

1. To grant the withdrawal of the Petitioner's petition;
2. To declare that the Petition Number 46/PUU-XX/2022 regarding the Petition for Judicial Review of Law 30/2014 against the 1945 Constitution is withdrawn;
3. To declare that the Petitioner cannot resubmit the *a quo* petition;
4. To order the Registrar of the Constitutional Court to record the withdrawal of the Petition Number 46/PUU-XX/2022 in e-BRPK and return a copy of the petition file to the Petitioner.