



CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA

SUMMARY OF DECISION
FOR CASE NUMBER 45/PUU-XX/2022

Concerning

The Phrase “Other Tools” and “Suspected” in the of Provisions that State
“Other Tools That Are Commonly or Suspected to Be Used to Carry Out
Mining Activities” in Law Number 11 of 2020

- Petitioner** : Robert Mandala Yasin
- Type of Case** : Examination of Law Number 11 of 2020 concerning Job Creation (Law 11/2020), against the 1945 Constitution of the Republic of Indonesia (UUD 1945)
- Subject Matter** : Article 37 paragraph [Sic!] 5, Article 17 paragraph (1) letter a of Law 11/2020 amendments to Article 17 paragraph (1) letter a of Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction are in contrary to Article 28D paragraph (1) and Article 28G paragraph (1) of the 1945 Constitution
- Verdict** : 1. To grant the withdrawal of the Petitioner's petition;
2. To declare that the Petition Number 45/PUU-XX/2022 concerning Petition for the Review of Article 37 number 5 of Law Number 11 of 2020 concerning Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573) amendment to Article 17 paragraph (1) letter a of Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction (State Gazette of the Republic of Indonesia of 2013 Number 130, Supplement to the State Gazette of the Republic of Indonesia Number 5432) against the 1945 Constitution of the Republic of Indonesia is withdrawn;
3. To declare that Petitioner cannot resubmit the *a quo* petition;
4. To order the Registrar of the Constitutional Court to record the withdrawal of Petition Number 45/PUU-XX/2022 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.

Date of Decision : Tuesday, May 31, 2022

Overview of Decision :

The Petitioner is an individual Indonesian citizen, who has a constitutional interest in relation to the formulation of norms contained in the formulation of the provisions of the *a quo* Articles whose capacity is as a taxpayer.

Whereas the Court has held a Preliminary Trial on April 13, 2022 to hear the

Petitioner's petition and in accordance with the provisions of Article 39 of the Constitutional Court Law and Article 41 paragraph (3) of the Regulation of the Constitutional Court Number 2 of 2021 concerning Proceedings in Judicial Review Cases (PMK 2/2021), the Panel of Judges has provided advice on the *a quo* petition.

Whereas the Court has received a letter from the Petitioner Number 027/MSP/V/2022, dated May 9, 2022, regarding the Request to Withdraw the Petition for the Case of PUU Number 45/PUU-XX/2022, which was received by the Court on May 9, 2022, at 19:58 WIB.

Whereas the Court has held a Preliminary Examination Trial to hear the revision of the Petitioner's petition regarding the *a quo* petition on May 10, 2022. At the Panel Trial, after the Court has clarified to the Petitioner regarding the letter of revocation or withdrawal of the *a quo* case, the Petitioner through his attorney has confirmed that he has filed for the revocation of the *a quo* Petition.

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 has stated that, "the Petitioner may withdraw the Petition before or during the examination of the Constitutional Court", and "the Withdrawal as referred to in paragraph (1) shall result in the petition being unable to be resubmitted".

Whereas based on the Consultative Meeting of Judges on May 11, 2022, it was concluded that the revocation or withdrawal of the petition for Case Number 45/PUU-XX/2022 is legally justifiable and the Petitioner could not resubmit the *a quo* petition.

Accordingly, the Court issued a stipulation which stipulates:

1. To grant the withdrawal of the Petitioner's petition;
2. To declare that the Petition Number 45/PUU-XX/2022 concerning Petition for the Review of Article 37 number 5 of Law Number 11 of 2020 concerning Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573) amendment to Article 17 paragraph (1) letter a of Law Number 18 of 2013 concerning Prevention and Eradication of Forest Destruction (State Gazette of the Republic of Indonesia of 2013 Number 130, Supplement to the State Gazette of the Republic of Indonesia Number 5432) against the 1945 Constitution of the Republic of Indonesia is withdrawn;
3. To declare that Petitioner cannot resubmit the *a quo* petition;
4. To order the Registrar of the Constitutional Court to record the withdrawal of Petition Number 45/PUU-XX/2022 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.