



CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA

SUMMARY OF DECISION
FOR CASE NUMBER 48/PUU-XX/2022

Concerning

Formal Examination of the State Capital Law

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| Petitioner | : | Damai Hari Lubis |
| Type of Case | : | Formal Examination of Law Number 3 of 2022 concerning the State Capital (Law 3/2022) against the 1945 Constitution of the Republic of Indonesia (UUD 1945) |
| Subject Matter | : | Formal Examination of Law 3/2022 against Article 22A of the 1945 Constitution |
| Verdict | : | To declare that the Petitioner's petition is inadmissible |
| Date of Decision | : | Tuesday, May 31, 2022 |
| Overview of Decision | : | |

The Petitioner is an individual Indonesian citizen who works as an advocate. The Petitioner believes that his constitutional rights have been prejudiced in the formation process of Law 3/2022.

Whereas regarding the authority of the Constitutional Court (the Court), since the Petitioner petitions for a formal examination of the law, *in casu* Law 3/2022 against the 1945 Constitution, the Court has the authority to hear the *a quo* petition.

Whereas regarding the deadline for submitting a formal examination, the Petitioner submitted a petition for a formal examination of Law 3/2022 to the Court on March 29, 2022 based on the Deed of Submission of the Petitioner's Petition Number 45/PUU/PAN.MK/AP3/03/2022, meanwhile Law 3 /2022 was promulgated on February 15, 2022, so the deadline for submitting the petition is March 31, 2022. Based on these legal facts, the Petitioner's petition is submitted within the time limit for submitting a petition for a formal examination of the law, *in casu* Law 3/2022.

Whereas although the *a quo* petition is within the authority of the Court and the petition is submitted within the time limit for submitting the petition, but before the Court considers the legal standing of the Petitioner and the subject matter of the petition in the formal examination any further, the Court first shall consider such matters, namely, the Court has examined the petition of the Petitioner in the Preliminary trial on April 19, 2022, in the trial, the Panel Assembly in accordance with its obligations as regulated in Article 39 paragraph (2) of Law Number 24 of 2003 concerning the Constitutional Court as last amended by Law Number 7 of 2020 concerning Amendments to Law Number 24 of 2003 concerning the Constitutional Court (UU MK) 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) have provided the advice to the Petitioner to revise and clarify the matters in relation to the legal standing and the subject matter of the petition. Then the Panel of Judges has advised the Petitioner to be able to clarify his petition by adjusting the format and the requirements of the petition for a formal examination in accordance with the Constitutional Court Law and PMK 2/2021. Furthermore, the Petitioner has revised his petition and such revision was received by the Registrar of the Court on May 9, 2022, which points of revision

of his petition was submitted in a preliminary examination trial with the agenda of examining the revision of the petition on May 11, 2022. However, in the revision of the petition, the Petitioner in the legal standing section could not clearly describe the relationship issue between the Petitioner's potential losses and the alleged constitutionality issue in the formation process of Law 3/2022. The description in the legal standing section only explains the Petitioner's losses as an advocate who has the right to control/monitor every public policy issued by the Government. By relocating the state capital city which is geographically very far from the life of modern urban communities, it is very possible that it shall be difficult to access information. Therefore, all policies that will be taken in managing the government will not be open. The Court is of the opinion that such losses are irrelevant to be used as reasons in relation to the formation process of the law in explaining his legal standing. Because such description does not explain the existence of a relationship between the disadvantages of the formation of the *a quo* law and the presumption of the losses of the Petitioner, whether actual or potential. Therefore, the Court is of the opinion that there is a lack of clarity in the description of the legal standing of the Petitioner.

In addition, in the reasons for the petition (*posita*) section, the Petitioners did not elaborate on the constitutionality issue in the formation process of Law 3/2022 which is considered to be in contrary to the 1945 Constitution. The Petitioner only elaborated on a number of general arguments, namely only mentioning the principal things without explaining in detail the reasons for their contradiction with the 1945 Constitution. Among other things, for example, the argument stating the discussion of the Bill for the Law 3/2022 was too fast because it only took 42 days. In his *posita*, the Petitioner did not elaborate further which level of discussion was considered fast and how the discussion process had been carried out for the formation of Law 3/2022, which then lead to his conclusion that the discussion of the *a quo* Bill was fast. Then regarding the argument that there are 13 delegation orders of regulatory authority in the implementing regulations of Law 3/2022 which should be the material content of the law, the Petitioner in his *posita* also did not mention which articles in Law 3/2022 are the delegation orders that should be contained in the law. In addition, regarding the argument that there was the lack of public participation, the Petitioner also did not elaborate further on the descriptions of the parties whose opinions had been heard, which then lead to his conclusion that the formation of the *a quo* Bill lacks public participation. Therefore, the Court is of the opinion that such *posita* is irrelevant to be examined by the Court.

Therefore, the Court is of the opinion that the Petitioner's petition is unclear on the legal standing section and the subject matter section of the petition. Therefore, the petition of the Petitioners is entirely unclear (vague) and the Court shall not consider the legal standing and the subject matter of the Petitioners' petition any further.

Based on all the aforementioned considerations, the Court subsequently issued a decision which verdict states that the Petitioner's petition is inadmissible.