



CONSTITUTIONAL COURT  
OF THE REPUBLIC OF INDONESIA

SUMMARY OF DECISION  
FOR CASE NUMBER 63/PUU-XX/2022

Concerning

Formal Examination of the Law on North Sulawesi Province

- Petitioner** : Immanuel Mahole  
**Type of Case** : Formal Examination of Law Number 5 of 2022 concerning North Sulawesi Province (Law 5/2022) against the 1945 Constitution of the Republic of Indonesia (UUD 1945)  
**Subject Matter** : Formal Examination of Law 5/2022 against the 1945 Constitution  
**Verdict** : To declare that the Petitioner's petition is inadmissible.  
**Date of Decision** : Thursday, July 7, 2022

**Overview of Decision** :

Regarding the authority of the Court, whereas the Petitioner petitions for the Formal Review of Law 5/2022 so that based on Article 24C paragraph (1) of the 1945 Constitution, Article 10 paragraph (1) letter a of Law Number 24 of 2003 concerning the Constitutional Court as last amended by Law Number 7 of 2020 concerning the Third Amendment to Law Number 24 of 2003 concerning the Constitutional Court, and Article 29 paragraph (1) letter a of Law Number 48 of 2009 concerning Judicial Powers, the Court has the authority to hear the *a quo* petition.

Regarding the time limit for submitting a formal review, the Court, through several decisions, has stated its last position in the Decision of the Constitutional Court Number 100/PUU-XVIII/2020 which was declared in a plenary session open to the public on June 20, 2022, which in principal affirmed that the time limit for submitting a petition for a formal review, the meaning of "since" is more definite and concrete than the meaning of "after". Therefore, for the sake of legal certainty, the Court is of the opinion that a petition for a formal review of the law against the 1945 Constitution shall be submitted within 45 (forty five) days since the promulgation of the law in the State Gazette of the Republic of Indonesia and the Supplement to the State Gazette of the Republic of Indonesia. Whereas after the Court carefully examined the Petitioner's petition, it was submitted to the Court on April 30, 2022 as stated in the Deed of Submission of the Petitioner's Petition Number 57/PUU/PAN.MK/AP3/05/2022 and recorded in the Electronic Constitutional Case Registration Book (*Buku Registrasi Perkara Konstitusi Elektronik* or e-BRPK) on May 19, 2022 under the Number 63/PUU-XX/2022. Meanwhile, Law 5/2022 was promulgated on March 16, 2022 in the State Gazette of the Republic of Indonesia of 2022 Number 65, Supplement to the State Gazette of the Republic of Indonesia Number 6776, therefore the Petitioner's petition is submitted on the 46th (forty-sixth) day since the Law 5/2022 is promulgated in the State Gazette of the Republic of Indonesia of 2022 Number 65 and Supplement to the State Gazette of the Republic of Indonesia Number 6776. Moreover, the Petitioner in the Examination Hearing with the agenda of the Petition Revision Examination hearing on June 22, 2022 also stated that he had acknowledged the submission of the petition has passed the time limit for submitting a petition for a formal

review as regulated in Article 9 paragraph (2) of the Regulation of the Constitutional Court Number 2 of 2021 concerning Proceedings in of Judicial Review Cases. Therefore, based on all the aforementioned legal considerations, the Court is of the opinion that the Petitioner's petition does not fulfil the requirements for the time limit in submitting a formal review at the Constitutional Court.

Based on the aforementioned considerations, the Court is of the opinion that the Petitioner's petition has passed the time limit for submitting the petition for a formal review, therefore the Court issued a decision which verdict states that the Petitioner's petition is inadmissible.