



CONSTITUTIONAL COURT  
OF THE REPUBLIC OF INDONESIA

SUMMARY OF DECISION  
FOR CASE NUMBER 60/PUU-XX/2022

Concerning

Formal and Material Review (Relocation of Capital City of a Province)

<b>Petitioner</b>	: H. Ibnu Sina (Mayor of Banjarmasin City) and H. Harry Wijaya (Chairman of Regional People's Legislative Assembly ( <i>Dewan Perwakilan Rakyat Daerah</i> or DPRD) of Banjarmasin City)
<b>Type of Case</b>	: Formal and material judicial review of Law Number 8 of 2022 concerning South Kalimantan Province (Law 8/2022) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
<b>Subject Matter</b>	: Formal and material judicial review of Article 4 of Law 8/2022 against the 1945 Constitution
<b>Verdict</b>	: <ol style="list-style-type: none"><li>1. To grant the withdrawal of the Petitioners' petition;</li><li>2. To declare that the Petition Number 60/PUU-XX/2022 regarding the Formal and Material Review over Law Number 8 of 2022 concerning South Kalimantan Province against the 1945 Constitution of the Republic of Indonesia is withdrawn;</li><li>3. To declare that the Petitioners may not resubmit the a <i>quo</i> petition;</li><li>4. To order the Registrar of the Constitutional Court to record the withdrawal of Petition Number 60/PUU-XX/2022 in the Electronic Constitutional Case Registration Book (<i>Buku Registrasi Perkara Konstitusi Elektronik</i> or e-BRPK) and to return the copies of the petition files to the Petitioners.</li></ol>
<b>Date of Decision</b>	: Thursday, September 29, 2022
<b>Overview of Decision</b>	:

Whereas the Petitioners are state institutions (Banjarmasin City Government).

Whereas the Petitioners filed a petition for Formal and Material Review over Law Number 8 of 2022 concerning South Kalimantan Province against the 1945 Constitution of the Republic of Indonesia to the Constitutional Court and it has been recorded in the Electronic Constitutional Case Registration Book (*Buku Registrasi Perkara Konstitusi Elektronik* or e-BRPK) on April 25, 2022 under the Number 60/PUU-XX/2022

Whereas the Court has conducted a Preliminary Review of the a *quo* petition through a Panel Session on May 23, 2022 followed by several examination hearings, the last was held on September 19, 2022 with the agenda of Hearing the Statements of Experts and Witnesses of the Petitioners as well as the Statements of Experts and Witnesses of Related Parties.

Whereas on September 26, 2022, the Petitioners submitted a letter regarding the withdrawal of the petition for formal and material review over Law Number 8 of 2022 concerning South Kalimantan Province at the Constitutional Court of the Republic of Indonesia under Constitutional Case Number: 60/PUU-XX/2022, dated September 22, 2022 due to the reasons which are in principal based on Regulation of the Minister of Home Affairs Number 30 of 2012 concerning Guidelines for Naming the Regions, Naming the Capital City, Amendment to Region Name, Amendment to Capital City Name, and Relocation of Capital City, Articles 7 to 11 have regulated the mechanism for the relocation of the province capital, therefore the effort to maintain Banjarmasin as the capital city of South Kalimantan province should not be carried out through judicial reviews but through executive reviews.

Whereas the Justices Deliberative Meeting on September 26, 2022 has determined that the revocation or withdrawal of the petition for Case Number 60/PUU-XX/2022 is legally reasonable and the Petitioners may not resubmit the *a quo* petition.

Furthermore, the Court has stipulated:

1. To grant the withdrawal of the petition of the Petitioners;
2. To declare that the Petition Number 60/PUU-XX/2022 regarding the Formal and Material Review over Law Number 8 of 2022 concerning South Kalimantan Province against the 1945 Constitution of the Republic of Indonesia is withdrawn;
3. To declare that the Petitioners may not resubmit the *a quo* petition;
4. To order the Registrar of the Constitutional Court to record the withdrawal of Petition Number 60/PUU-XX/2022 in the Electronic Constitutional Case Registration Book (*Buku Registrasi Perkara Konstitusi Elektronik* or e-BRPK) and to return the copies of the petition files to the Petitioners.