



**CONSTITUTIONAL COURT  
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION  
FOR CASE NUMBER 116/PUU-XX/2022**

**Concerning**

**Withdrawal of Judicial Review Petition  
on Formation of Laws and Regulations**

<b>Petitioners</b>	: <b>Bonatua Silalahi and PT. Bina Jasa Konstruksi</b>
<b>Type of Case</b>	: Judicial Review of Law Number 12 of 2011 concerning Formation of Laws and Regulations (Law 12/2011) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
<b>Subject Matter</b>	: Article 1 point 6, Article 7, Article 13, and Elucidation of Article 13 of Law 12/2011 cannot be used as references for provisions concerning the procurement of goods and services, thus they are harming the Petitioners and therefore are contrary to the 1945 Constitution
<b>Verdict</b>	: <ol style="list-style-type: none"><li>1. To grant the withdrawal of the petition of the Petitioners;</li><li>2. To declare that Petition Number 116/PUU-XX/2022 concerning judicial review of Article 1 point 6, Article 7, Article 13, and Elucidation of Article 13 of Law Number 12 of 2011 concerning the Formation of Laws and Regulations (State Gazette of the Republic of Indonesia of 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234) against the 1945 Constitution of the Republic of Indonesia is withdrawn;</li><li>3. To declare that the Petitioners cannot resubmit the <i>a quo</i> petition;</li><li>4. To order the Chief Registrar of the Constitutional Court to record the withdrawal of Petition Number 116/PUU-XX/2022 in the Electronic Constitutional Case Registration Book (<i>Buku Registrasi Perkara Konstitusi Elektronik, e-BRPK</i>) and to return the copy of the petition files to the Petitioners.</li></ol>
<b>Date of Stipulation</b>	: Tuesday, 31 January 2023
<b>Overview of Stipulation</b>	:

The Petitioners submitting this petition were Bonatua Silalahi and PT. Bina Jasa Konstruksi. The Petitioners were not accompanied by legal attorney.

The Court conducted a preliminary examination of the petition through a Panel Session on 5 December 2022. After the Preliminary hearing, the Petitioners submitted two letters regarding the Withdrawal/Revocation of the Petition via email which were sent respectively on 17 and 19 December 2022.

Furthermore, the Court held a second Preliminary Examination session on 19 December 2022 with the agenda of hearing the revision of the petition of the Petitioners, during the session the Petitioners insisted on withdrawing/revoking their petition.

Regarding the revocation of the petition, the Deliberative Meeting of Judges on 12 January 2023 determined that the revocation or withdrawal of petition of Case Number 116/PUU-XX/2022 are legally justifiable. Therefore, the provisions of Article 35 paragraph (2) of the Constitutional Court Law shall apply, which states, "*Withdrawal as referred to in paragraph (1) shall result in the petition cannot be resubmitted*".

In accordance with the letter of withdrawal/revocation of the petition submitted by the Petitioners, the Court stipulates:

1. To grant the withdrawal of the petition of the Petitioners;
2. To declare that the Petition Number 116/PUU-XX/2022 concerning judicial review of the constitutionality of Article 1 number 6, Article 7, Article 13, and Elucidation of Article 13 of Law Number 12 of 2011 concerning the Formation of Laws and Regulations (State Gazette of the Republic of Indonesia of 2011 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234) against the 1945 Constitution of the Republic of Indonesia is withdrawn;
3. To declare that the Petitioners cannot resubmit the *a quo* petition;
4. To order the Registrar of the Constitutional Court to record the withdrawal of Petition Number 116/PUU-XX/2022 in the Electronic Constitutional Case Registration Book (*Buku Registrasi Perkara Konstitusi Elektronik* atau e-BRPK) and to return a copy of the petition file to the Petitioners.