



**CONSTITUTIONAL COURT  
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION  
FOR CASE NUMBER 17/PUU-XXI/2023**

**Concerning**

**Reasons for Dismissal of Constitutional Justices**

- Petitioner** : **Zico Leonard Djagardo Simanjuntak**
- Type of Case** : Judicial Review of Law Number 7 of 2020 concerning the Third Amendment to Law Number 24 of 2003 concerning the Constitutional Court (Law 7/2020) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution).
- Subject Matter** : According to the Petitioner, Article 23 paragraph (1) of Law 7/2020 is contrary to the 1945 Constitution to the extent that it is also interpreted to include “dismissed by the Supporting Agency for annulling or repealing Legal Products made by the Supporting Agency.”
- Verdict** : To declare that the Petitioner’s petition is inadmissible.
- Date of Decision** : Thursday, 30 March 2023.
- Overview of Decision** :

Whereas the Petitioner is an individual Indonesian citizen who works as an advocate specializing in constitutional law. According to the Petitioner, the constitutional rights of the Petitioner are potentially harmed by the enactment of the provisions of Article 23 paragraph (1) of the Constitutional Court Law due to the recall and the honorable dismissal of constitutional justices by the DPR (House of Representatives) due to reasons other than the reasons stipulated in Article 23 paragraph (1) of the Constitutional Court Law. The reason for DPR (House of Representatives) to dismiss the constitutional justices (*in casu* Constitutional Justice Aswanto) is because the relevant justice is considered as a “representative” of DPR (House of Representatives) but he did not protect the products of DPR (House of Representatives) in judicial review cases at the Constitutional Court.

Regarding the authority of the Court, because the Petitioner petition for judicial review of the constitutionality of the norms of the law, *in casu* Law Number 7 of 2020 concerning the Third Amendment to Law Number 24 of 2003 concerning the Constitutional Court against Article 28D paragraph (1) of the 1945 Constitution, the Court has the authority to hear the *a quo* petition.

Regarding the legal standing of the Petitioner, the Court considers that the Petitioner's petition contains a causal relationship (*causal verband*) between the alleged potential loss of the Petitioner's constitutional rights and the enactment of the norms of the law being petitioned for review. In relation to the presumption of loss, if the Petitioner’s petition is granted then the presumption of such loss will not occur. Based on this consideration, The Court is of the opinion that the Petitioner has the legal standing to act as the Petitioner in the *a quo* case;

Whereas before considering the provisions and subject matters of the Petitioner's petition any further, the Court considers the following matters:

Whereas the Petitioner petition for judicial review of the constitutionality of Article 23 paragraph (1) of Law 7/2020 concerning the reasons for the honorable dismissal of constitutional justices, because in practice this provision is interpreted to include "dismissed by the Supporting Agency for annulling or repealing Legal Products made by the Supporting Agency". Although such a formulation is not contained in Article 23 paragraph (1) of Law 7/2020.

Therefore, the Petitioner petition for Article 23 paragraph (1) of Law 7/2020 to be declared as conditionally contrary to the 1945 Constitution insofar as it is also interpreted to include "dismissed by the Supporting Agency for annulling or repealing Legal Products made by the Supporting Agency".

Regarding such petition, the Court is of the opinion that uniting two contradictory reasons in one category, namely reasons that fall under the category of honorable discharge as well as reasons for any discharge that do not include honorable discharge, has the potential to create a contradiction which in the end would make Article 23 paragraph (1) of the Constitutional Court Law could not be understood, let alone implemented. Such potential is of course detrimental to the Petitioner and the public.

The new meaning as petitioned for by the Petitioner as a condition for declaring the unconstitutionality of Article 23 paragraph (1) of the Constitutional Court Law could be said to have resulted in the ambiguity of the meaning of the relevant article. Based on the understanding of the Petitioner's petition, the Court is of the opinion that the Petitioner's petition is ambiguous.

Accordingly, the Court subsequently passes down a decision in which the verdict states that the Petitioners' petition is inadmissible.