



**CONSTITUTIONAL COURT  
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION  
FOR CASE NUMBER 14/PUU-XXI/2023**

**Concerning**

**Formal Review of Government Regulation in Lieu of Law  
Concerning Job Creation**

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| <b>Petitioners</b>          | : <b>Federasi Kesatuan Serikat Pekerja Nasional (National Trade Union Federation), et al.</b>  |
| <b>Type of Case</b>         | : Formal Review of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation (Government Regulation 2/2022) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution) |
| <b>Subject Matter</b>       | : Formal Review of Government Regulation 2/2022 against the 1945 Constitution  |
| <b>Verdict</b>              | : To declare that the Petitioners' petition is inadmissible.   |
| <b>Date of Decision</b>     | : Friday, 14 April 2023  |
| <b>Overview of Decision</b> | :  |

The Petitioners argue that as private legal entities, in reasonable reasoning, they have potential loss of constitutional rights, which could occur as a result of the ratification and promulgation of Government Regulation 2/2022. Government Regulation 2/2022 makes major changes to Law Number 13 of 2003 concerning Manpower. These changes bring potential constitutional harm to workers, especially under the Article 28D paragraph (1) and paragraph (2), Article 28C paragraph (1), Article 27 paragraph (2), and Article 28I paragraph (1) of the 1945 Constitution. According to the Petitioners, the constitutional rights to guarantee of legal certainty, to decent living, to receive compensation and to treatment that is just, proper, and free from the slavery system in work relations, have been violated as a result of the ratification and promulgation of Government Regulation 2/2022. In addition to that, the constitutional losses experienced by the Petitioners and the promulgation of Government Regulation 2/2022 actually do not have any compelling elements of urgency;

Regarding the authority of the Court, because the Petitioners petition for a review of the Government Regulation, *in casu* Government Regulation 2/2022 against the 1945 Constitution, the Court has the authority to hear and decide on the *a quo* petition.

Whereas because Government Regulation 2/2022 was promulgated on 30 December 2022, the deadline for submitting the petition is 12 February 2023. The Petitioners' petition was received by the Registrar's Office of the Constitutional Court on 25 January 2023 under the Deed of Submission of the Petition of the Petitioner Number 10/PUU/PAN.MK/AP3/01/2023. Thus, the petition of the Petitioners was submitted before the deadline for submitting a petition for formal review of law.

Regarding the legal standing of the Petitioners, because the Petitioners have been able to describe the relationship between the presumed loss of the Petitioners' constitutional rights as guaranteed in the 1945 Constitution and the promulgation and enactment of Government Regulation 2/2022 which was submitted in the *a quo* petition for review,

therefore, the Court is of the opinion that the Petitioners has the legal standing to act as the Petitioners in the *a quo* Petition.

The Petitioners argue that the formation process Government Regulation 2/2022 did not fulfil the provisions regarding compelling urgency based on Article 22 paragraph (1) of the 1945 Constitution (formal/procedural defects) because there were violations that were committed clearly and definitely known by the public. In addition to that, there are obvious defects in the formation process of Government Regulation 2/2022, apart from being formally flawed, it is also materially flawed;

Whereas on 14 February 2023, the Court held a preliminary hearing to hear the explanation of the material of the Petitioners' petition and during the hearing, the Court has performed its duty to provide advice on the petition submitted by the Petitioners. Then on 27 February 2023, the Court conducted a preliminary examination session with the agenda of hearing the explanation of the revised petition of the Petitioners. Furthermore, the Court held a plenary session with the agenda of hearing the President's statement on 28 March 2023, but because the President and/or his representative stated that he was not ready to give his statement at the trial, the President and/or his representative requested the Court to postpone the plenary session [*vide* Minutes of Case Session Number 14/PUU-XXI/2023 on 28 March 2023]. Then in accordance with the request for postponement of the session, the Court scheduled the plenary session with the agenda to hear the President's statement in 11 April 2023, which subsequently, with confirmation from the parties, the plenary session was rescheduled to 6 April 2023.

Whereas DPR (House of Representatives) at the Plenary Session on 21 March 2023 has approved the Bill concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation to Become Law. Furthermore, on 31 March 2023, the President ratified and promulgated Government Regulation 2/2022 to become Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation to Become Law (State Gazette of the Republic of Indonesia of 2023 Number 41, Supplement to the State Gazette of the Republic of Indonesia Number 6856, hereinafter referred to as Law 6/2023) [*vide* Evidence PK-1].

Whereas regarding these facts, the Court has held a hearing on 6 April 2023 to inquire on the stance of the Petitioners regarding the matters as described in the Paragraph above. In such Examination of the *a quo* Case Trial, the legal attorney of the Petitioners requested to continue the examination of the *a quo* case although the Government Regulation 2/2022 being petitioned for review was already ratified by the President to become Law 6/2023, according to the Petitioner, the main reason is because the substance of the petition still exists and remains an issue [*vide* Minutes of Case Session Number 14/PUU-XXI/2023, 6 April 2023]. Based on these facts, the Court immediately held a Deliberative Meeting of Judges on the same day and the Court was of the opinion that as a form of law, Government Regulation 2/2022 had been turned into law so that Government Regulation 2/2022, which was the object of the petition of the Petitioners, is no longer exist because it had been changed to Law 6/2023. Therefore, the Petitioners' petition has lost its object. Therefore, by taking into account the principle of simple, quick and low-cost justice [*vide* Article 2 paragraph (4) of Law Number 48 of 2009 concerning Judicial Powers], the Court is of the opinion that the Petition of the Petitioners is no longer relevant to be examined any further.

Whereas because the petition of the Petitioners has lost its object, the subject matter of the petition is not considered any further. Any other matters and the remainders of the petition are not considered any further because they are considered to be irrelevant. Therefore, the subject matter of the petition of the Petitioners is not considered any further.

Regarding the *a quo* petition, the Court passes down a decision in which the verdict states that the Petitioners' petition is inadmissible.