



**CONSTITUTIONAL COURT  
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION  
FOR CASE NUMBER 32/PUU-XXI/2023**

**Concerning**

**Conditions of “Other Disturbances”  
in Resumed Elections and Late Elections**

<b>Petitioner</b>	:	<b>Viktor Santoso Tandiasa</b>
<b>Type of Case</b>	:	Judicial review of Law Number 7 of 2017 concerning General Elections (Law 7/2017) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
<b>Subject Matter</b>	:	The phrase “other disturbances” in Article 431 paragraph (1) and Article 432 paragraph (1) of Law 7/2017 are contrary to the 1945 Constitution.
<b>Verdict</b>	:	To dismiss the Petitioner's petition entirely.
<b>Date of Decision</b>	:	Thursday, 25 May 2023.
<b>Overview of Decision</b>	:	

Whereas the Petitioner is an individual Indonesian citizen who considers that his constitutional rights have been harmed as a result of the enactment of the article petitioned for review because the phrase “other disturbances” in Article 431 paragraph (1) and Article 432 paragraph (1) of Law 7/2017 is multi-interpretative so that it is potentially misused by parties intending to postpone the holding of the 2024 general election.

Regarding the authority of the Court, because the *a quo* petition is a review of the constitutionality of the norms of Law, *in casu* the phrase “other disturbances” in Article 431 paragraph (1) and Article 432 paragraph (1) of Law 7/2017 against the 1945 Constitution, the Court has the authority to hear the *a quo* petition.

Regarding the Petitioner's legal standing, the Court considers that the Petitioner, who is an individual Indonesian citizen, has clearly and specifically described his qualification as an individual Indonesian citizen petitioner who believes that his constitutional rights have been harmed by the enactment of the phrase “other disturbances” in Article 431 paragraph (1) and Article 432 paragraph (1) of Law 7/2017. The presumed loss is specific and potential because the Petitioner's constitutional rights to be able to vote in the General Election held every five years can be delayed due to the phrase “other disturbances” in Article 431 paragraph (1) and Article 432 paragraph (1) of Law 7/2017 which, in the Petitioner's opinion, is multi-interpretative. Thus, regardless of whether the arguments regarding the unconstitutionality of the norms

being petitioned for review are proven, the Petitioner has the legal standing to submit the *a quo* petition.

Whereas because the subject matter or substance of the Petitioner's petition is clear, the Court is of the opinion that there is no urgency and relevance to hearing the statements of the parties as referred to in Article 54 of the Constitutional Court Law.

Then regarding the subject matter of the Petitioner's petition, the Court considers that in accordance with various views in the discussion meeting on the amendments to the 1945 Constitution, in the Court's opinion, the drafters of the amendments to the 1945 Constitution principally require that periodic principles in the implementation of elections every five years (regularity) must be stipulated in the 1945 Constitution, while certain situations and conditions that may affect the implementation period of five years (flexibility) are further regulated in the law on General Elections. Pursuant to the constitutional mandate, then the legislators in drafting the law on General Elections have formulated norms regarding resumed General Elections and late General Elections, the constitutionality of which is currently petitioned for review by the Petitioner.

The Court, in its considerations, then also emphasizes that in order to understand a legal norm, provisions cannot be seen partially. Still, they must be comprehensively considered, as with the norms of Article 431 and Article 432 of Law 7/2017, as parts of Chapter XIV, which regulates Resumed Elections and Late Elections. Even though the reasons for elections that are stopped or elections that cannot be carried out have been stipulated in the norms of the articles being petitioned for review, the *a quo* Law does not specify the type of each event or a series of events whether in the form of riots, security disturbances or natural disasters. This approach is intended to broaden the scope or coverage of situations and conditions that cannot be predicted but may affect the implementation of General Elections, resulting in a resumed General Election or late General Election being necessary. Anticipation of such arrangements is in the context of protecting the holding of General Elections, including the protection of citizens' constitutional rights to vote and be elected in General Elections.

Thus, the regulation in the norms of Article 431 paragraph (1) and Article 432 paragraph (1) of Law 7/2017 regarding any matters that cause election stages to stop or election stages cannot be carried out not only in the events of riots, security disturbances, natural disasters but also when other disturbances occur. The phrase "other disturbances" must be understood in case of election stages being stopped or election stages being prevented from being carried out due to an event or series of events that have not been included in the sense of riots, security disturbances, and natural disasters, and not "other disturbances" which can be politicized or manipulated for particular interests as feared by the Petitioner.

Therefore, the Petitioner's petition petitioning the phrase "other disturbances" in Article 431 paragraph (1) and Article 432 paragraph (1) of Law 7/2017 to be interpreted only as "non-natural disasters and social disasters," in the Court's opinion, may instead limit the scope of events or series of events of emergency or disturbances that have not been stipulated in statutory regulations because the form and time of occurrence cannot be predicted. To maintain the norm of the phrase "other disturbances" in Article 431 paragraph (1) and Article 432 paragraph (1) of Law 7/2017 does not mean creating uncertainty in the holding of elections but instead accommodates the desire or purpose of the Petitioner's petition that wants the election to continue to be held by resuming stages being stopped or carrying out stages being prevented from being carried out through the scheme of resumed elections or late elections.

Pursuant to all of these considerations, the Court passes down a decision in which the verdict is to dismiss the Petitioner's petition entirely.