



CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA

SUMMARY OF DECISION
FOR CASE NUMBER 43/PUU-XXI/2023

Concerning

Enforcement of the Validity Period for Motor Vehicle
Registration Certificates and Motor Vehicle Registration Signs

Petitioner	: Arifin Purwanto
Type of Case	: Judicial review of Law Number 22 of 2009 concerning Road Traffic and Transportation (Law 22/2009) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	: Article 70 paragraph (2) of Law 22/2009 is contrary to Article 1 paragraph (3), Article 27 paragraph (1), and Article 28D paragraph (1) of the 1945 Constitution
Verdict	: To declare the Petitioner's petition inadmissible.
Date of Decision	: Thursday, 15 June 2023
Overview of Decision	:

The Petitioner is an individual Indonesian citizen who works as an Advocate and as a payer of taxes for the motor vehicle he uses.

Regarding the Authority of the Court, because what is petitioned for by the Petitioner is a review of the constitutionality of norms of law, *in casu* Article 70 paragraph (2) of Law 22/2009 against the 1945 Constitution so that the Court has the authority to hear the Petitioner's petition.

Regarding Legal Position, the Petitioner believes that his constitutional rights have been harmed by the enactment of the norms of Article 70 paragraph (2) of Law 22/2009 because he has to extend the validity period of his Motor Vehicle Registration Certificate (MVRC) and Motor Vehicle Registration Sign (MVRS) after the 5 (five) year validity period of MVRC and MVRS expires/terminates. In this regard, in the Petitioner's opinion, the validity of the MVRC and MVRS for 5 (five) years has no legal basis, the benchmarks are unclear, and there is no urgency in accordance with the studies from any institution. In addition, the Petitioner believes that his constitutional rights have been harmed because the Petitioner has to spend money/costs, effort, and time and feels stressed to extend the validity period of the MVRC and MVRS after the expiry/termination period (after five years), which should not have happened if the MVRC and MVRS are valid forever or for life, such as Residential Identity Cards (RIC).

Pursuant to the description put forward by the Petitioner in describing his legal standing, in the Court's opinion, the Petitioner has been able to describe the presumed loss of constitutional rights, which, in the Petitioner's opinion, are actually or at least

potentially harmed by the enactment of the norms of Article 70 paragraph (2) of Law 22/2009. The Petitioner has also been able to describe the presumed loss of constitutional rights having a causal relationship (*causal verband*) with the enactment of norms petitioned for review. Therefore, if the *a quo* petition is granted, the presumed loss of constitutional rights as described no longer occurs and will not occur. Thus, regardless of whether or not the unconstitutionality of the norms being petitioned for review by the Petitioner is proven, in the Court's opinion, the Petitioner has the legal standing to act as a Petitioner in the *a quo* petition.

Whereas regarding the petition systematics in the revised petition submitted by the Petitioner, Article 10 paragraph (2) of Constitutional Court Regulation Number 2 of 2021 concerning Procedures in Judicial Review of Laws (CCR 2/2021) provides as follows:

- (1) ...
- (2) The Petition submitted by a Petitioner and/or the attorney as referred to in paragraph (1) at least contains:
 - a. ...;
 - b. a clear description of:
 1. the authority of the Court, which contains an explanation regarding the authority of the Court in hearing Judicial Review cases as stipulated in statutory regulations and the object of the petition;
 2. the legal position of the Petitioner, which contains an explanation regarding the Petitioner's constitutional rights and/or authorities presumed to have been harmed by the enactment of law or Government Regulation in Lieu of Law being petitioned for review as referred to in Article 4; and
 3. reasons for the petition, which contains an explanation regarding the formation of law or Government Regulation in Lieu of Law that does not comply with the provisions for forming a law or Government Regulation in Lieu of Law under the 1945 Constitution and/or that the contents of paragraphs, articles and/or parts of the law or Government Regulation in Lieu of Law are contrary to the 1945 Constitution.
 - c. *petitum*, which contains the matters being petitioned to be decided in the petition for formal review as referred to in Article 2 paragraph (3), namely:
 1. ...;
 2. etc.;
 - d. *petitum*, which contains the matters being petitioned to be decided in the petition for material review as referred to in Article 2 paragraph (4), namely:
 1. to grant the Petitioner's petition;
 2. to declare that the contents of the paragraphs, articles, and/or parts of the law or Government Regulation in Lieu of Law being petitioned for review are contrary to the 1945 Constitution and do not have legally binding force;
 3. to order the publication of the Decision in the State Gazette of the Republic of Indonesia;or in the case of the Court having a different opinion, petitioning for the fairest possible decision (*ex aequo et bono*).

The Petitioner, in his revised petition, has not clearly described the constitutional issues he experienced regarding the enactment of the norms of Article 70 paragraph (2) of Law 22/2009, even though the Panel in the Preliminary Session has advised him. The Petitioner only described the concrete problems he experienced about the process, the technical form of the MVRC and MVRS, and their validity period so that the Court cannot assess whether or not there is an issue of the constitutionality of the norms being petitioned for review.

Regarding the Petitioner's petition, the Petitioner in the *Petitum* point 2 petitions the Court to "Declare the phrase "valid for five years, which must be requested for approval every year" in Article 70 paragraph (2) of Law Number 22 of 2009 of the Republic of Indonesia, National Gazette Year 2009 No. 96, does not have the legally binding force to the extent that the phrase "valid for five years, which must be requested for approval every year" is not construed "valid forever and no need to ask for approval every year." However, the Petitioner does not at all show a conflict between the norms being petitioned for review and the 1945 Constitution. Whereas in order to be able to judge that an article and/or paragraph of a law is declared "not having legal binding force," the article and/or paragraph must first be proven and declared contrary to the 1945 Constitution. In addition, in *Petitum* point 3, the Petitioner petitions that the Court "Declare that the MVRC is valid forever, making the new MVRC as follows:

- 1) The MVRC Serial Number is made the same as the Serial Number of RIC/National Identity Number (NIN) of RIC;
- 2) To the left of the MVRC, there is a photo of the vehicle owner, name, and mobile phone/WA number;
- 3) The registration number on the MVRC takes six digits of the NIN starting from the 7th to 12th digits, which includes two digits of the month, date, and year of birth of the RIC holder because the six digits of the NIN of RIC are not the same for everyone, even between husband and wife, one family/one Family Certificate;
- 4) There is a photo of the front view of the vehicle on the right of the MVRC of the owner of the vehicle;
- 5) Regarding registration number, the first letter is in accordance with the jurisdiction of the vehicle owner, while the last letter indicates which city/regency the vehicle owner is in (example: AE ...A) the owner of the vehicle is a person from Madiun City (AE ...B) the owner of the vehicle is a person from Madiun Regency (AE...C) the owner of the vehicle is a person from Ngawi Regency, and so on;
- 6) On the MVRC, there is writing stating that it is valid forever and it is the ... vehicle;
- 7) If the MVRC is damaged/lost, the owner can report to the nearest office of the One Roof Administrative System (Samsat) to be printed because all Samsats in Indonesia are integrated into the online network.

Moreover, in *Petitum* point 4, the Petitioner also petitions that the Court "Declare that the validity period of MVRS is forever, making the new MVRS become:

- 1) The name of the owner for private vehicles and of Limited Liability Company (PT) or Sole Proprietorship (PO) for commercial vehicles;
- 2) The registration number on the MVRS is taken from 6 digits of the NIN starting from the 7th to 12th digits, which includes two digits from the month, date,

and year of birth of the RIC holder because the six digits of the NIN RIC are not the same for everyone, even between husband and wife, one family/one Family Certificate;

- 3) Regarding registration number, the first letter is in accordance with the jurisdiction of the vehicle owner, while the last letter indicates which city/district the vehicle owner is in (example: AE ...A) the owner of the vehicle is a person from Madiun City (AE ...B) the owner of the vehicle is a person from Madiun Regency (AE ...C) the owner of the vehicle is a person from Ngawi Regency, and so on;
- 4) Under the registration number, it is written "The ... vehicle";
- 5) Registration number is made on a black background and written with white letters and numbers;
- 6) The size of the MVRS/Number Plate is in accordance with what has been in effect so far.

In the Court's opinion, the entire formulation of the Petitioner's *petitum* is unclear or at least not in accordance with the prevalence of *petitum* in judicial review cases. This *petitum* has been reconfirmed to the Petitioner during the Preliminary Session with the agenda for Examination of the Revised Petition on 25 May 2023, and the Petitioner remains in his stance. Therefore, formally, such *petitum* is not in accordance with the *petitum* formulation referred to in Article 10 paragraph (2) letter d of CCR 2/2021.

In accordance with all of the above legal considerations, even though the Court has the authority to hear the *a quo* petition and the Petitioner has legal standing, however, the ambiguity of the *petitum* or at least the unusuality of Petitioner's *petitum* has caused the Petitioner's petition to be unclear or obscure (*obscur*). Thus, the Petitioner's petition does not meet the formal petition requirements in Article 31 paragraph (1) of the Constitutional Court Law and Article 10 paragraph (2) of CCR 2/2021. Therefore, the Court does not further consider the Petitioner's petition.

Accordingly, the Court subsequently passes down a decision in which the verdict is to declare the Petitioner's petition inadmissible.