



CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA

SUMMARY OF STIPULATION
FOR CASE NUMBER 48/PUU-XXI/2023

Concerning

Obligation to Take Care of People with Mental Disorders

- Petitioner** : M. Jamil
- Type of Case** : Judicial Review of Law Number 1 of 1946 concerning Criminal Law Regulations (Law 1/1946) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
- Subject Matter** : Judicial Review of Article 491 number 1 of Law 1/1946 against the 1945 Constitution
- Verdict** : 1. To grant the withdrawal of the petition of the Petitioner;
2. To declare that the Petition in case Number 48/PUU-XXI/2023 concerning the Petition for Judicial Review of Law Number 1 of 1946 concerning Criminal Law Regulations against the 1945 Constitution of the Republic of Indonesia is withdrawn;
3. To declare that the Petitioner cannot resubmit the *a quo* petition;
4. To order the Registrar of the Constitutional Court to record the withdrawal of Petition Number 48/PUU-XXI/2023 in the Electronic Constitutional Case Registration Book (*Buku Registrasi Perkara Konstitusi Elektronik* or e-BRPK) and to return a copy of the petition file to the Petitioner.

Date of Decision : Thursday, June 15, 2023

Overview of Decision :

Whereas the Petitioner is an individual Indonesian citizen, who works as an entrepreneur, in addition to that the Petitioner also serves as the head of *RW. 010* Sungai Pelungut Sub-District, Sagulung Regency, Riau Islands. In this case, the Petitioner believes that he is harmed by many ODGJ (People with Mental Disorders) roaming the area where the Petitioner lives, moreover, with the enactment of the provisions of the *a quo* article, the Petitioner has the potential to become a suspect.

Whereas the Petitioner submitted a petition for judicial review over Article 491 number 1 of Law 1/1946 against the 1945 Constitution to the Constitutional Court on 15 April 2023 and it was recorded in the Electronic Constitutional Case Registration Book (*Buku Registrasi Perkara Konstitusi Elektronik* or e-BRPK) under the Number 48/PUU-XXI/2023 on May 3, 2023.

Whereas the Constitutional Court has received a letter from the Petitioner, dated May 21, 2023, regarding the withdrawal of the petition for material review of Law Number 1 of 1946 concerning Criminal Law Regulations against the 1945 Constitution of the Republic of Indonesia in Case Number 48/PUU-XXI/ 2023.

Whereas in order to carry out the principle of prudence and accuracy, regarding the letter of withdrawal or revocation of the petition from the Petitioner dated May 21, 2023, the Constitutional Court deems it necessary to clarify with the Petitioner in the hearing regarding the authorization

of the revocation or withdrawal of the petition as referred to in the Petition Revision Examination Session on Tuesday, May 30, 2023, which in principle, in the hearing, the Petitioner, represented by his Attorney, has withdrawn or revoked his petition and he remained in his stance.

Whereas the Justice Deliberation Meeting on June 5, 2023 concluded that the revocation or withdrawal of petition Number 48/PUU-XXI/2023 is legally justifiable and the Petitioner cannot resubmit the *a quo* Petition and the Court ordered the Registrar of the Constitutional Court to record the revocation or withdrawal of the Petitioner's petition in the Electronic Constitutional Case Registration Book (e-BRPK) and to return a copy of the petition file to the Petitioner.

Furthermore, the Court decides:

1. To grant the withdrawal of the Petitioner's petition;
2. To declare that the Petition in case Number 48/PUU-XXI/2023 concerning the Petition for Judicial Review of Law Number 1 of 1946 concerning Criminal Law Regulations against the 1945 Constitution of the Republic of Indonesia is withdrawn;
3. To declare that the Petitioner cannot resubmit the *a quo* petition;
4. To order the Registrar of the Constitutional Court to record the withdrawal of Petition Number 48/PUU-XXI/2023 in the Electronic Constitutional Case Registration Book (*Buku Registrasi Perkara Konstitusi Elektronik* or e-BRPK) and to return a copy of the petition file to the Petitioner.