



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 57/PUU-XXI/2023**

Concerning

**Recovery of State Financial Loss Becomes a Reason
for Excluding Criminal Responsibility**

- Petitioner** : **Maria Goretty Batlayeri**
- Type of Case** : Judicial Review of Law Number 31 of 1999 concerning Eradication of Corruption Crimes (Law 31/1999) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution).
- Subject Matter** : Recovery of state financial loss as regulated in Article 4 paragraph (1) and Elucidation of Article 4 of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes is contrary to the rule of law principle in Article 1 paragraph (3) of the 1945 Constitution, the guarantee of protection from the threat of fear as regulated in Article 28G paragraph (1) of the 1945 Constitution, guarantee of legal certainty as regulated in Article 28D paragraph (1) of the 1945 Constitution, the guarantee of fulfilment of human rights as regulated in Article 28I paragraph (4) of the 1945 Constitution, and the guarantee of implementation of human rights as set forth in the laws and regulations as regulated in Article 28I paragraph (5) of the 1945 Constitution;
- Verdict** :
 1. To grant the withdrawal of the Petitioner's petition;
 2. To declare that Petition Number 57/PUU-XXI/2023 concerning Judicial Review of Law 31 of 1999 concerning the Eradication of Corruption Crimes against the 1945 Constitution of the Republic of Indonesia is withdrawn;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 57/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 Stipulation** : Tuesday, 27 June 2023.
- Overview of Stipulation** :

The Petitioner's Petition was received by the Registrar's Office of the Constitutional Court on 22 May 2023 based on the Deed of Submission of the Petition of the Petitioner No. 52/PUU/PAN.MK/AP3/05/2023, dated 23 May 2023, and recorded in the Electronic Constitutional Case Registration Book (*Buku Registrasi Perkara Konstitusi Elektronik* or e-BRPK) on 24 May 2023. The Court has conducted a preliminary hearing on 12 June 2023 with an agenda of Preliminary Examination and the Court has given its advice in accordance with Article 39 of the Constitutional Court Law as well as given the Petitioner an opportunity to revise the petition.

On Monday, 19 June 2023, the Court received an electronic mail (e-mail) dated 15 June 2023 from the Petitioner, in principle, the email conveyed that the Petitioner is withdrawing/revoking her petition. Regarding the withdrawal of the petition, the Court has confirmed the matter to the Petitioner/her attorney in the hearing which was held on Wednesday, 21 June 2023, at 09.00 WIB (Western Indonesia Time), and the Petitioner has confirmed the matter of the withdrawal. Then the Court held a Deliberative Meeting of Judges on 21 June 2023 which decided that the withdrawal of the petition for Case Number 57/PUU-XXI/2023 is legally justifiable;

Pursuant to the provisions of Article 35 paragraph (1) of Constitutional Court Law, the Deliberative Meeting of Judges on 21 March 2023 has decided that the revocation or withdrawal of the petition for Case Number 23/PUU-XXI/2023 is legally grounded and the Petitioner cannot resubmit the *a quo* petition. The Court ordered the Registrar of the Constitutional Court to record the withdrawal of the Petitioner's petition 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;

Whereas in accordance the aforementioned legal considerations, the Court passes down the following stipulations:

1. To grant the withdrawal of the Petitioner's petition;
2. To declare that Petition Number 57/PUU-XXI/2023 concerning Judicial Reviewing of Law 31/1999 against the 1945 Constitution 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 the Petition Number 57/PUU-XXI/2023 in the e-BRPK and to return a copy of the petition file to the Petitioner;