



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 86/PUU-XXI/2023**

Concerning

National Language

Petitioner	: dr. Ludjiono
Type of Case	: Judicial Review of Law 24 of 2009 concerning National Flag, Language, Emblem and Anthem (Law 24/2009) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	: Review of CHAPTER III National Language of Law 24/2009 against Article 27 paragraph (3), Article 28G paragraph (1) and paragraph (2), Article 36. Article 36C of the 1945 Constitution
Verdict	: To declare that the Petitioner's petition is inadmissible
Date of Decision	: Wednesday, 27 September 2023
Overview of Decision	:

Whereas the Petitioner is an Indonesian citizen, a retired officer from the Situbondo District Health Service.

Whereas regarding the Court's Authority, because the Petitioner petitions for a review of the constitutionality of norms of law, *in casu* material review of the norms of CHAPTER III National Language of Law 24/2009 against the 1945 Constitution, the Court has the authority to hear the *a quo* petition.

Whereas before considering the Petitioner's legal standing and the subject matter of the petition, the Court will first consider the following matters.

1. Whereas regarding the Petitioner's *a quo* petition, the Court has held a Preliminary Examination session to examine the subject matter of the petition on 30 August 2023. In the session, pursuant to Article 39 of the Constitutional Court Law, the Panel of Judges provided advice to the Petitioner to revise and clarify matters relating to the petition, namely the Court's authority, the Petitioner's legal standing, the subject matter of the petition (*posita*), and the matters being petitioned for review (*petitum*) in accordance with the systematic petition as regulated in Constitutional Court Regulation Number 2 of 2021 concerning Procedures in Judicial Review Cases (PMK 2/2021). In addition, the Panel of Judges provided further advice regarding the petition that may be resubmitted provided that they have different grounds or reasons for review [*vide* Article 60 of the Constitutional Court Law and Article 78 of PMK 2/2021].
2. Whereas on 11 September 2023, the Petitioner submitted a revised petition to the Court and it was examined at the Preliminary Examination Session with an agenda of revised petition on 12 September 2023. In the revised petition, even though the Petitioner had prepared the petition in accordance with the systematic petition as per PMK 2/2021, the Petitioner had not described clearly, among other things, regarding the constitutional loss suffered by the Petitioner which should be associated with the enactment of the norms being petitioned for review, the reasons such petition of the Petitioner may be resubmitted, and the reasons the norms being petitioned for review are contrary to the norms contained in the 1945 Constitution.

Furthermore, in the *petitum* section, the Petitioner only petitions the Court to grant the judicial review/material review of Chapter III National Language of Law 24/2009 concerning BBLNLK without an article regarding the state symbols which reads "The national language is Bahasa Indonesia in the form of spoken and written language and the national script is Indonesian script" against the 1945 Constitution. The preparation of such *petitum* is not in accordance with the usual preparation of *petitum* in a petition for judicial review at the Constitutional Court [*vide* Article 10 PMK 2/2021]. Then, also in relation to the *petitum*, the Petitioner, through a letter received by the Court on 15 September 2023, described the *petitum* in the *a quo* petition, namely:

1. To grant the Petitioner's petition;
2. The *a quo* law is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force;
3. To order this decision to be published in the State Gazette of the Republic of Indonesia.

Regarding this description, since the relevant letter was received after the Preliminary Examination Hearing with the agenda of revised petition on 12 September 2023, it shall not be considered by the Court.

Pursuant to the description of these considerations, the Court is of the opinion that the Petitioner's petition is unclear or obscure (*obscuur*).

Whereas pursuant to the considerations above, even though the Court has the authority to hear the *a quo* petition, but because the Petitioner's petition is unclear or obscure (*obscuur*), the Court shall not consider the legal standing and the subject matter of the Petitioner's petition any further.

Subsequently, the Court handed down a decision whose verdict states that the Petitioner's petition is inadmissible;