



**CONSTITUTIONAL COURT  
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION  
FOR CASE NUMBER 95/PUU-XXI/2023**

**Concerning Unconstitutionality of Indonesia Financial Services Authority**

<b>Petitioner</b>	: Inri Januar
<b>Type of Case</b>	: Judicial Review of Law 4 of 2023 concerning Development and Strengthening of the Financial Sector (Law 4/2023) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution).
<b>Subject Matter</b>	: Article 1 number 1 in Article 8 number 1 and Article 2 paragraph (1) in Article 8 number 2 of Law 4/2023 against Article 1 paragraph (3) and Article 28D paragraph (1) of the 1945 Constitution.
<b>Verdict</b>	: To declare that the petition is inadmissible.
<b>Date of Decision</b>	: Wednesday, November 29, 2023
<b>Overview of Decision</b>	:

The Petitioner is an individual Indonesian citizen who works as a lecturer who has constitutional rights in the form of the right to legal certainty as guaranteed in Article 28D paragraph (1) of the 1945 Constitution and he believes that he has been injured by the enactment of Article 1 number 1 in Article 8 paragraph 1 and Article 2 paragraph (1) in Article 8 number 2 of Law 4/2023. As a result, the Petitioner is unable to theoretically explain the design of the Indonesia Financial Services Authority (*Otoritas Jasa Keuangan* or OJK) and the phrases "independence" and "regulation" of OJK, thereby creating legal uncertainty which would have impacted the students taught by the Petitioner. Apart from being a lecturer, the Petitioner is also registered as a bank customer and if he experiences any problems related to micro prudence, the bank may argue that the OJK does not have a legal basis to carry out its authority because Article 34 in Article 9 number 19 of Law 4/2023 has been revoked. Therefore, the Petitioner as a customer will experience injuries.

Regarding the Court's authority, because the Petitioner petitions for a judicial review of the constitutionality of the norms of Law, *in casu* Article 1 number 1 in Article 8 number 1 and Article 2 paragraph (1) in Article 8 number 2 of Law 4/2023 against the 1945 Constitution, the Court has the authority to hear the *a quo* petition.

Regard the legal standing of the Petitioner as a lecturer who is unable to theoretically explain the design of the OJK, thus giving rise to legal uncertainty which would have impacted the students taught by the Petitioner, the Court is of the opinion that this does not represent a factual or potential injury of constitutional rights of the Petitioner caused by the enactment of the norms being petitioned for review. This is because the enactment of the norms being reviewed does not prevent the Petitioner from carrying out his profession as a lecturer. Therefore, even if the norms being reviewed are proven to be unconstitutional as argued by the

Petitioner, this does not mean a constitutional injury for the Petitioner who works as a lecturer. In fact, by working as a lecturer, the Petitioner is able to explain the current development of the OJK as a discourse for the students he teaches. Likewise, the Petitioner's qualification as a customer does not indicate an injury of constitutional rights caused by the enactment of the norms being reviewed. This is because the enactment of the norms being reviewed does not prevent the Petitioner from obtaining his constitutional rights as a customer. In terms of being a customer, whether as a creditor customer or debtor customer, legal protection and certainty in various laws and regulations are available, including in the law concerning consumer protection and in the law concerning Indonesia deposit insurance corporation and in the law concerning banking. Meanwhile, because the micro prudential supervision of the OJK focuses on the performance of individual financial service institutions including banking, capital markets and the non-bank financial industry, within the limits of reasonable reasoning, the Court is of the opinion that the uncertainty of the legal basis of the OJK as described by the Petitioner can only be considered as having giving rise to the assumption of constitutional injury for financial services institutions as objects of supervision, inspection and investigation which are the functions, authority and duties of the OJK.

Pursuant to the entire description of the legal considerations above, the Court is of the opinion that the enactment of Article 1 number 1 in Article 8 number 1 and Article 2 paragraph (1) in Article 8 number 2 of Law 4/2023 does not injure the Petitioner's constitutional rights. Therefore, the Court is of the opinion that the Petitioner does not have the legal standing to act as a Petitioner in the *a quo* Petition. Whereas even though the Court has the authority to hear the *a quo* petition, but because the Petitioner does not have the legal standing to submit the *a quo* petition, the Court shall not consider the subject matter of the petition.

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