



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 167/PUU-XXI/2023**

Concerning

**Candidates for Members of the House of Representatives and the Regional
Legislative Council from Independent Parties**

Petitioner	: M. Robby Candra
Type of Case	: Judicial Review of Law Number 7 of 2017 concerning General Election as last amended by Law Number 7 of 2023 concerning the Determination of Government Regulation in Lieu of Law Number 1 of 2022 concerning the Amendment to Law Number 7 of 2017 concerning General Election into Law (General Election Law) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	: Article 1 number 27 and Article 240 paragraph (1) letter n of General Election Law are contrary to Article 28D paragraph (3) of the 1945 Constitution
Verdict	: To declare that the Petitioner's petition is inadmissible
Date of Decision	: Wednesday, 31 January 2024
Overview of Decision	:

Whereas the Petitioner is an Indonesian citizen, who submitted a petition for a judicial review of Article 1 number 27 and Article 240 paragraph (1) letter n of the General Election Law because the norms of the article being petitioned for review are preventing the Petitioner from becoming a participant in the Election for Members of the House of Representatives, Provincial Regional Legislative Council or Regency/Municipal Regional Legislative Council from independent parties, as the Petitioner is not a member of any political party. According to the Petitioner, the norms of the article being petitioned for review are contrary to Article 28D paragraph (3) of the 1945 Constitution.

Regarding the Court's authority, because the Petitioner petitions for a review of the constitutionality of norms of law, *in casu* Article 1 number 27 and Article 240 paragraph (1) letter n of General Election Law against the 1945 Constitution, the Court has the authority hear the *a quo* petition.

Whereas before further considering the legal standing and subject matter of the Petitioner's petition, the Court shall consider the following matters:

Upon linking the main points presented to the Court, the Court found that the substance of the *posita* and the *petitum* regarding the norms of Article 1 number 27 of General Election Law are inconsistent or, at the very least, conflicted with the *petitum*. The *a quo petitum* describes as though the candidates from independent parties are in contrary to the 1945 Constitution. This means that the existence of such *petitum* is actually not in line with the Petitioner's desire to open up opportunities for any candidates from the independent parties to become members of the House of Representatives, members of the Provincial Regional Legislative Council, and members of the Regency/Municipal Regional Legislative Council.

Moreover, the reasons for the petition and the matters being petitioned to the Court are inconsistent or conflicting. On the one hand, in the *posita* section, Article 240 paragraph (1) letter n of General Election Law is contrary to the 1945 Constitution and it has no binding legal force to the extent that “no interpretation is given”. Meanwhile, on the other hand, in the *petitum* section, the Petitioner stated that the norm of Article 240 paragraph (1) letter n of General Election Law is contrary to the 1945 Constitution and it has no binding legal force to the extent that an interpretation is given. In order to confirm that there is no conflict between the *posita* and the *petitum*, the Petitioner should have also included the word "no" in the phrase "to the extent that an interpretation is given" so that it would become “to the extent that no interpretation is given”, so that it would be in line with what is stated in the *posita* section number 17 page 13 of the petition.

Pursuant to the provisions of Article 74 paragraph (1) of the Constitutional Court Regulation 2/2021, because there is an inconsistency between the reasons for the petition (*posita*) and what is being petitioned (*petitum*) to the Court, there is no doubt for the Court to declare that the Petitioner's petition is unclear or obscure (*obscur*).

Therefore, the Court subsequently handed down a decision whose verdict states that the Petitioner's petition is inadmissible.