



**CONSTITUTIONAL COURT  
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION  
FOR CASE NUMBER 4/PUU-XXII/2024**

**Concerning**

**Registration and Implementation of International Arbitration Awards**

<b>Petitioner</b>	: <b>Diding Jalaludin</b>
<b>Type of Case</b>	: Judicial Review of Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution (Law 30/1999) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
<b>Subject Matter</b>	: Article 65 and Article 67 paragraph (2) of Law 30/1999 are contrary to the 1945 Constitution
<b>Verdict</b>	: To declare that the Petitioner's petition is inadmissible
<b>Date of Decision</b>	: Tuesday, February 13, 2024
<b>Overview of Decision</b>	:

The Petitioner is an individual Indonesian citizen who works as an advocate and certified mediator and specifically carries out the profession of advocate in the fields of Islamic family law, civil law and sharia economic law, as well as arbitration and alternative dispute resolution, he believes that he is injured by the enactment of the articles being petitioned for review because the *a quo* norms are incomplete, unclear, in the wrong position, and giving rise to ambiguity and legal uncertainty. This is proven by the mention that the authority of the Central Jakarta District Court in Article 65 of the Arbitration and Alternative Dispute Resolution Law is limited to 2 (two) authority, namely the recognition and implementation of international arbitration awards. Meanwhile, Article 67 paragraph (1) of the Arbitration and Alternative Dispute Resolution Law states that implementation of international arbitration awards may be carried out after they are registered at the Registrar's Office of the Central Jakarta District Court.

Regarding the Court's authority, because the Petitioner petitions for a review of the constitutionality of norms of law, *in casu* Article 65 and 67 paragraph (2) of Law 30/1999 against the 1945 Constitution, the Court has the authority to hear the *a quo* petition.

Furthermore, the Court considers that the Court has the authority to examine the *a quo* petition, however, before considering further the legal standing and subject matter of the Petitioner's petition, upon carefully reading the Petitioner's *posita* and *petitum*, regardless of whether or not there is a constitutionality issue in the norms being petitioned for review, the Court is of the opinion that the Petitioner's *petitum* petitioning the Court to give a new interpretation to the norms of Article 65 of Law 30/1999, *in casu* the Petitioner's *petitum*

regarding the phrase "(2) Registration as referred to in paragraph (1) must include: a. original document or authentic copy of the International Arbitration Awards, in accordance with the provisions regarding the authentication of foreign documents, and their official translated texts in Indonesian language; b. original document or authentic copy of the agreement under which the International Arbitration Awards are granted in accordance with the provisions regarding the authentication of foreign documents, and the official translated texts in Indonesian language; and c. statement from the diplomatic representative of the Republic of Indonesia in the country where the International Arbitration Award is determined, stating that the petitioner's country is bound by agreements, both bilaterally and multilaterally with the Republic of Indonesia regarding the recognition and implementation of the International Arbitration Awards" has been regulated in the norms of Article 67 paragraph (2) of Law 30/1999. In addition, the *petitum* of the Petitioner's petition does not describe clear and adequate arguments regarding the reasons for the petition (*posita*). The Petitioner's description focused more on the empirical facts related to the Petitioner's experience in handling international arbitration cases and then argued that the norms of the *a quo* articles are incomplete, rudimentary, in the wrong position, unsystematic and creates ambiguity. Moreover, in the Preliminary hearing with the agenda for Revision of the Petition, the Petitioner admitted that he did not provide reasons for the additions and amendments to the norms being petitioned, especially related to the recognition and implementation for registration of international arbitration awards, in the *posita* [*vide* pages 8-9, Minutes of the Hearing for Revision of the Case Number 4/PUU-XXII/2024, 5 February 2024]. However, the Petitioner in his *petitum* without any basis petitioned the Court to give a new interpretation to the norms of Article 65 and Article 67 paragraph (2) of Law 30/1999 without providing a clear description regarding the contradiction between the norms being petitioned for review and the 1945 Constitution. The Court is of the opinion that the Petitioner in the *posita* section should have first described clearly and sufficiently the contradiction of the norms whose constitutionality is being reviewed as the heart of the petition for judicial review of the 1945 Constitution and also to guide the direction of the petition's *petitum*. In such a context, the *petitum* of the petition must not deviate from the meaning and spirit of the *posita* of the petition.

Pursuant to the legal considerations above, in accordance with the provisions of Article 74 paragraph (1) of the Constitutional Court Regulation 2/2021 which states, "The Court may declare a petition unclear or obscure, among other things because: a. there is an inconsistency between the arguments in the *posita* and the *petitum*." Therefore, upon careful examination by the Court of the *posita* and *petitum* of the Petitioner's petition and the provisions of Article 74 paragraph (1) PMK 2/2021 as described above. There is indeed an inconsistency between the reasons for the petition (*posita*) and what is being petitioned (*petitum*) to the Court, then there is no doubt for the Court to declare the Petitioner's petition is unclear or obscure (*obscur*).

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