



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 124/PUU-XXI/2023
Concerning Parliamentary Thresholds**

Petitioners	: Ridho Rahmadi as General Chairman of Partai Umat Central Executive Board and Ahmad Muhajir Sodrudin as Secretary General of Partai Ummat Central Executive Board
Type of Case	: Judicial Review of Law Number 7 of 2017 concerning General Elections (Law 7/2017) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution).
Subject Matter	: According to the Petitioners, Article 414 paragraph (1) of Law 7/2017 is conditionally contrary to the 1945 Constitution.
Verdict	: To declare that the Petitioner's petition is inadmissible.
Date of Decision	: Thursday, February 29, 2024
Overview of Decision	:

The Petitioner is the Central Executive Board of Partai Ummat which is a legal entity where Partai Ummat is a new political party participating in the 2024 General Election. In other words, the Petitioner has never placed its representative/cadre in the House of Representatives. In principle, the Petitioner petitions for the norms of Article 414 paragraph (1) of the General Election Law which determines the parliamentary threshold of 4% (four percent) of the number of valid votes for the 2024 General Election to be declared contrary to the 1945 Constitution provided that it is not interpreted that such calculation of the parliamentary threshold of 4% (four percent) is also based on the number of the obtained seats of the House of Representatives.

Regarding the Court's authority, because the Petitioner petitions for a review of the constitutionality of statutory norms, *in casu* Article 414 paragraph (1) of Law 7/2017 against the 1945 Constitution, the Court has the authority to hear the *a quo* petition.

Regarding such petition, the Court considers that the object of the *a quo* case is the same as the object of the petition in Case Number 116/PUU-XXI/2023. As for the Case Number 116/PUU-XXI/2023, the Court has passed down the Decision of the Constitutional Court Number 116/PUU-XXI/2023 which was previously declared in a plenary session open to the public on 29 February 2024, with the following verdicts:

On Preliminary Injunction:

To dismiss the petition of preliminary injunction of the Petitioner

On the Merits:

1. To dismiss the Petitioner's petition in its entirety.
2. To declare that Article 414 paragraph (1) of Law Number 7 of 2017 concerning General Election (State Gazette of the Republic of Indonesia of 2017 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 6109) is constitutional to the extent that it remains valid for the 2024 House of Representatives Election and is conditionally constitutional to be applied in the 2029 House of Representatives Election and the subsequent elections to the extent that amendments have been made to the parliamentary threshold norms and to the figures or percentages of the parliamentary thresholds as guided by the predetermined requirements;
3. To order this Decision to be published in the State Gazette of the Republic of Indonesia as appropriate;
4. To dismiss the remainder of the Petitioner's petition.

Pursuant to the verdict of the Constitutional Court Number 116/PUU-XXI/2023, this has changed the interpretation of Article 414 paragraph (1) of the General Election Law, so that the object of the petition submitted in Case Number 124/PUU-XXI/2023 has undergone a change in meaning even though there has been no editorial change.

Accordingly, regardless of whether or not the petition of Case Number 124/PUU-XXI/2023 fulfils the requirements described in the provisions of Article 60 of the Constitutional Court Law and Article 78 of the Constitutional Court Regulation Number 2 of 2021 concerning Procedures in Judicial Review Cases, the argument of the Petitioners regarding the review of the conditional unconstitutionality of the norms of Article 414 paragraph (1) of Law 7/2017 has lost its object.

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