



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 11/PUU-XXII/2024**

Concerning

**the Meaning of Protection for Children, Adolescents and Women
in the Broadcasting Code of Conduct**

Petitioner	: Wiwit Purwito
Type of Case	: Judicial Review of Law Number 32 of 2022 concerning Broadcasting (Law 32/2002) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	: Article 48 paragraph (4) letter e of Law 32/2002 is contrary to Article 28 of 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 an individual Indonesian citizen who has minor children who are potentially affected by the many cases of harassment, pregnancy out of wedlock and violence which are being broadcasted on television. The Petitioner described that he/she has constitutional rights in the form that children/adolescents have the right to receive education through media channel technology by prioritizing the principles of morality and religious values and also have the right to receive information channels that contain education and build character with noble morals as guaranteed in Article 28B paragraph (2), Article 28C paragraph (1), and Article 28F of the 1945 Constitution. These constitutional rights have the potential to be injured because there is no clear explanation of the meaning or boundaries of the norms for the protection of children, adolescents and women as intended in Article 48 paragraph (4) letter e of Law 32/2002.

Regarding the Court's authority, because the Petitioner petitions for a review of the constitutionality of the norms of law, *in casu* Article 48 paragraph (4) letter e of Law 32/2002 against 1945 Constitution, therefore the Court has the authority to hear the *a quo* petition.

Regarding the legal standing and subject matter of the petition, before the Court provides its consideration, it is necessary to first consider the Petitioner's petition that the systematic or format for revision of the Petitioner's petition as intended in number 2 above in principle has fulfilled the systematic or format of the petition for judicial review as regulated in Article 31 paragraph (1) of the Constitutional Court Law and Article 10 paragraph (2) of the Constitutional Court Regulation 2/2021. However, upon careful examination by the Court, it turned out that the petition's *posita*, although it has described the basis used for the review, such description was unclear and insufficient in explaining the arguments regarding the contradiction between the articles being petitioned for review and the articles of the 1945 Constitution used as the basis for the review. Instead, the *posita* is more focused in describing the contradiction

between Article 48 paragraph (4) letter e of Law 32/2002 with other provisions in Law 32/2002 [*vide* revised petition p. 9]. Meanwhile, the Court is of the opinion that if the *petitum* of the Petitioner is granted, it will narrow and limit the meaning of the *a quo* Article, and therefore it will actually give rise to injustice and legal uncertainty. Because protection for children, adolescents and women in the broadcasting code of conduct would be limited to prohibitions on broadcasts or scenes that solely related to high school/equivalent schools or related to the wearing of school uniforms in opposite sex love scenes. So, *a contrario* other than those mentioned by the Petitioner in his *petitum* would be permitted. This means that by following the *petitum* submitted by the Petitioner, it will actually narrow the norms of protection for children, adolescents and women. Moreover, the Petitioner's *petitum* does not include the word "no" in order to provide an interpretation that is in line with the petitioner's *posita*. Such a *petitum* is certainly not in line with and does not correlate with the *posita* of the petition which in its description explains that with the increasing prevalence of films or soap operas with elements of violence, love scenes and adult scenes in school settings and by wearing school uniforms, it is necessary to establish boundaries to protect the children, adolescents and women in broadcasting code of conduct determined by the Komisi Penyiaran Indonesia (KPI or Indonesian Broadcasting Commission). The Court is of the opinion that the Petitioner's *petitum* should not deviate from and obscure the previous meaning. Also, the *posita* section of the petition must clearly and sufficiently describe the contradiction between the norms being petitioned for review and the norms in the 1945 Constitution which are used as the basis for the review. 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 (*obscuur*).

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