



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 17/PUU-XXII/2024**

Concerning

**Constitutionality of Individuals as Petitioners
in Political Party Dissolution Cases**

Petitioner	: Risky Kurniawan
Type of Case	: Judicial Review of Law Number 24 of 2003 concerning Constitutional Court (Constitutional Court Law) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	: Article 68 paragraph (1) of Constitutional Court Law is contrary to 1945 Constitution
Verdict	: To dismiss the Petitioner's petition in its entirety
Date of Decision	: Wednesday, March 20, 2024
Overview of Decision	:

The Petitioner is an individual citizen who believes that he is injured by the norms of Article 68 paragraph (1) of the Constitutional Court Law which does not accommodate individual citizens to be able to become Petitioners in cases involving the dissolution of political parties before the Constitutional Court. The Petitioner believes that these requirements hinder the Petitioner's right to participate in the efforts to defend the country and the right to fair legal certainty as regulated in Article 27 paragraph (3) and Article 28D paragraph (1) 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 68 paragraph (1) of the Constitutional Court Law against 1945 Constitution, since it is one of the authority of the Court, therefore the Court has the authority to hear the *a quo* petition.

Regarding the legal standing of the Petitioner, the Court is of the opinion that the Petitioner has been able to describe or explain the presumed injury of his constitutional rights, namely related to the existence of restrictions on individual citizens to become petitioners in the Constitutional Court in the cases of dissolution of political parties whose political party members have committed criminal acts of corruption. Therefore, regardless of whether the unconstitutionality of the norms being petitioned for review by the Petitioner is proven or not, the Court is of the opinion that the Petitioner has the legal standing to act as Petitioner in the *a quo* petition.

Whereas since the *a quo* petition is clear, the Court is of the opinion that there is no urgency and relevance in hearing the statements of the parties as intended in Article 54 of the Constitutional Court Law.

Regarding the petition of the Petitioner in relation to the constitutionality of the norms of Article 68 paragraph (1) of the Constitutional Court Law, it is evident that the constitutional interpretation proposed by the Petitioner is the same as what has been proposed in the previous case that has been decided by the Court, namely in the Decision of the Constitutional Court Number 16/PUU-XXII/2024. The Petitioner in the *a quo* case and in the Case Number 16/PUU-XXII/2024 petitioned for the Court to declare Article 68 paragraph (1) of the Constitutional Court Law contrary to the 1945 Constitution and has no binding legal force to the extent that it is not interpreted as "The Petitioner is the Government or Individual Indonesian Citizen". Regarding the constitutionality of the norms of Article 68 paragraph (1) of the Constitutional Court Law, The Court has considered it in the Decision of the Constitutional Court Number 53/PUU-IX/2011 in sub-paragraph **[3.12.2]** and **[3.12.3]** which was also reaffirmed in the Decision of the Constitutional Court Number 16/PUU-XXII/2024.

Furthermore, the Court in the consideration of the Decision of the Constitutional Court Number 16/PUU-XXII/2024 has confirmed the Court's stance regarding the consideration in the *a quo* Decision of the Constitutional Court Number 53/PUU-IX/2011, namely in sub-paragraph **[3.12.1]** and sub-paragraph **[3.12.2]**. In accordance with the excerpt from the consideration of the Court's decision, even though the Petitioner used a different basis for review, *in casu* there is an addition of Article 27 paragraph (3) of the 1945 Constitution compared to the previous petition, however according to the Court, the essence of the *a quo* petition is the same, namely the Petitioner's constitutional issue regarding the conditional unconstitutionality of Article 68 paragraph (1) of the Constitutional Court Law. The *a quo* issue has been answered and affirmed by the Court through the Decision of the Constitutional Court Number 53/PUU-IX/2011 and the Decision of the Constitutional Court Number 16/PUU-XXII/2024 as described above. Therefore, these legal considerations *mutatis mutandis* also applies to the *a quo* case, so that the norms of Article 68 paragraph (1) of the Constitutional Court Law are not contrary to the right to fair legal certainty and are not contrary to the right to participate in the efforts to defend the state. Therefore, the Petitioner's argument regarding the conditional unconstitutionality of Article 68 paragraph (1) of the Constitutional Court Law against Article 27 paragraph (3) and Article 28D paragraph (1) of the 1945 Constitution is legally unjustifiable.

The Court subsequently passed down a decision which verdict states to dismiss the Petitioner's petition in its entirety.