



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 23/PUU-XXII/2024**

Concerning

Criminal Act of Spreading Hoax Information or News

Petitioners	: Zulkifly, et al.
Type of Case	: Judicial Review of Law Number 1 of 1946 concerning Criminal Law Regulations (Law 1/1946) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	: The word "disturbance" in Article 14 paragraph (1) and Article 15 is contrary to freedom of association and assembly, the right to self-development, recognition, guarantees, protection and fair legal certainty as well as equal treatment before the law, the right to communicate and obtain information to develop their personal and social environment as guaranteed in Article 28, Article 28C paragraph (1), Article 28D paragraph (1), and Article 28F of the 1945 Constitution
Verdict	: To declare that the Petitioners' petition is inadmissible
Date of Decision	: Thursday, March 21, 2024
Overview of Decision	:

Whereas the Petitioners are individual Indonesian citizens who are students of the Faculty of Sharia and Law, Major of Islamic Law, Universitas Negeri Alauddin Makassar. The Petitioners believe that their constitutional rights have been injured by the *a quo* Article because it could potentially entrap anyone sharing any news under the accusation of creating disturbance.

Whereas the Petitioner petitions for a review of the constitutionality of statutory norms, *in casu* Article 14 paragraph (1) and Article 15 of Law 1/1946 against the 1945 Constitution, therefore the Court has the authority to hear the *a quo* petition.

Whereas before further considering the Petitioners' petition, the Court shall first consider that the object of the *a quo* petition which is the norms of Article 14 paragraph (1) and Article 15 of Law 1/1946, which was also the object of the petition in the Case Number 78/PUU-XXI/2023. As for the Case Number 78/PUU-XXI/2023, the Court has passed down the Decision of the Constitutional Court Number 78/PUU-XXI/2023 which was previously declared, with the following verdicts:

On the Merits:

1. To grant the Petitioners' petition in part.
2. ...
3. To declare that Article 14 and Article 15 of Law Number 1 of 1946 concerning Criminal

Law Regulations (State Gazette of the Republic of Indonesia II Number 9) is contrary to the 1945 Constitution of the Republic of Indonesia and has no binding legal force.

4. ...

Pursuant to the verdicts of the Decision of the Constitutional Court Number 78/PUU-XXI/2023, the norms of Article 14 and Article 15 of Law 1/1946 have been declared contrary to the 1945 Constitution and have no binding legal force since the Decision of the Constitutional Court Number 78/PUU-XXI/2023 was declared in a plenary session open to the public. Therefore, the norms of Article 14 paragraph (1) and Article 15 of Law 1/1946 are no longer apply. Therefore, regarding the norms of Article 14 paragraph (1) and Article 15 of Law 1/1946 whose constitutionality was petitioned to be reviewed by the Petitioners, the petition must be declared to have lost its object.

Whereas since the *a quo* petition has lost its object, the Court is of the opinion that it is no longer relevant to consider the legal standing of the Petitioners and the subject matter of the petition.

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