



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 163/PUU-XXII/2024**

Concerning

**Requirements for the Selection and Appointment of the Leadership
of the Corruption Eradication Commission**

Petitioners	: Perkumpulan Masyarakat Anti Korupsi (MAKI or the Anti-Corruption Community), represented by Boyamin Bin Saiman as Coordinator and Founder and Supriyadi as Founder
Type of Case	: Law Number 30 of 2002 concerning Corruption Eradication Commission, as lastly amended by Law Number 19 of 2019 concerning the Second Amendment to Law Number 30 of 2002 concerning Corruption Eradication Commission (KPK Law), against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	: Judicial review of Article 30 paragraph (1) of the KPK Law against the 1945 Constitution
Verdict	: To dismiss the Petitioner's petition entirely
Date of Decision	: Thursday, January 2, 2025
Overview of Decision	:

The Petitioner is a private legal entity, Masyarakat Anti Korupsi (MAKI or the Anti-Corruption Community), which operates in the corruption eradication sector.

Regarding the Court's authority, since the Petitioners petition is a review of Article 30 paragraph (1) of the KPK Law against Article 1 paragraph (3), Article 27 paragraph (1), and Article 28D paragraph (1), paragraph (2), and paragraph (3), as well as Article 28I paragraph (2) of the 1945 Constitution, the Court has the authority to hear the Petitioners' petition.

Regarding the Petitioner's legal standing, in essence, the Petitioner argues that Article 30 paragraph (1) of the KPK Law has been impaired because, if President Prabowo Subiyanto does not establish a Selection Committee for candidates for leadership (*Capim*) and candidates for the supervisory board (*Cadewas*) of the KPK (Corruption Eradication Commission), then Indonesian citizens who meet the requirements cannot nominate themselves as candidates, while the Petitioner is of the view that only President Prabowo Subiyanto has the authority to establish the selection committee and submit the results to the DPR (the House of Representatives). In the Court's opinion,

the Petitioner, as a legal entity, in submitting the petition, has been represented by a person who has the right to represent the organization in and outside the court, as designated in the organization's Deed of Establishment. After the Court examines the Petitioner's evidence, in the Court's opinion, the Petitioner's representative, Boyamin as the Coordinator and Founder of MAKI and Supriyadi as the Founder of MAKI, in their positions have the right to represent the organization in submitting the petition and proceeding in court, as stated in Article 12 of Deed of Establishment of the Indonesian Anti-Corruption Community Association Number 175, dated April 30, 2007 [*vide* evidence P-1C] which states that, "The Coordinator and at least 1 (one) founding body or one or more persons who receive power from them, have the right to represent the association in and outside the court...." Thus, pursuant to these legal facts, in the Court's opinion, the Petitioner has been represented by persons who have the capacity to represent the Petitioner in submitting a petition to the Court. Whereas in describing its constitutional loss, the Petitioner, in the Court's opinion, that has the aim of assisting the government and the Republic of Indonesia in the field of community empowerment to uphold law, justice and human rights, and to prevent and eradicate all forms of corruption, collusion, and nepotism to improve the welfare of the community, has been able to describe its constitutional rights guaranteed by the 1945 Constitution, which are deemed to be violated by the existence of the law being petitioned for review. The Petitioner has also clearly explained the causal relationship (*causal verband*) between the alleged constitutional loss that may occur upon the enactment of the statutory norms petitioned for review. The Petitioner argue that the existence of the articles that are being petitioned for review has a negative impact, directly or indirectly, and in general, on various kinds of efforts and activities that the Petitioner has carried out continuously to assist the government and the Republic of Indonesia in the field of community empowerment to uphold the law, justice, and human rights, and to prevent and eradicate all forms of corruption, collusion, and nepotism to improve the welfare of the community. Thus, pursuant to these legal considerations, regardless of whether the Petitioner's argument is proven, in the Court's opinion, the Petitioner has legal standing to submit the petition *a quo*.

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

Whereas regarding the subject matter of the petition, the Petitioner, in essence, argues that, with Constitutional Court decision Number 112/PUU-XX/2022, the Selection Committee for Candidates for the KPK Leadership and Candidates for the KPK Supervisory Board for the 2024-2029 period must be established by the President for the 2024-2029 period, namely Prabowo Subiyanto, who at the same time submitted the results of the Selection Committee *a quo* to the DPR-RI (the House of Representatives of the Republic of Indonesia) for the 2024-2029 period for discussion and approval of selected five persons who were then inaugurated as the KPK Leadership and the KPK Supervisory Board for the 2024-2029 period. Regarding the petition argument, the Court, in essence, considers the following:

- a. Whereas the review of Article 30 paragraph (1) of the KPK Law which states, in essence, that in order to obtain candidates for the KPK leadership and Supervisory Board legitimately and credibly, it is necessary to interpret the word "President" in Article 30 paragraph (1) of the KPK Law, namely one whose term period is the same as that of the KPK Leadership and Supervisory Board to be selected and inaugurated, it turns out that this has the same essence as the legal considerations in Constitutional Court Decision Number 160/PUU-XXII/2024 pronounced in an open Plenary session on January 2, 2025. Thus, the legal considerations of Constitutional Court Decision number 160/PUU-XXII/2024 apply in a *mutatis mutandis* manner as the considerations of the petition argument *a quo*. Thus, the Petitioner's petition argument *a quo* must be declared legally unjustifiable.
- b. Whereas the provisions of Article 30 paragraph (1) of the KPK Law are not contrary to the principles of the rule of law and the right to fair legal certainty as guaranteed in Article 1 paragraph (3) and Article 28D paragraph (1) of the 1945 Constitution, not as argued by the Petitioner. Thus, the Petitioner's argument is entirely legally unjustifiable.

Accordingly, the Court subsequently passes down a decision in which the verdict is to dismiss the Petitioner's petition entirely.