



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 66/PUU-XXII/2024**

Concerning

Independence of the Republic of Indonesia

Petitioners	: Pranoto and Dwi Agung
Type of Case	: Judicial Review of Law Number 9 of 2010 concerning Protocol (Law 9/2010) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	: Judicial Review of Article 16 letter a, Article 18 and Article 20 of Law 9/2010 against the 1945 Constitution
Verdict	: To reject the Petitioners' petition in its entirety
Date of Decision	: Friday, January 3, 2025
Overview of Decision	:

The Petitioners are Indonesian citizens who work as teachers and have constitutional rights granted by the 1945 Constitution of the Republic of Indonesia, namely the right to receive education and to benefit from knowledge in accordance with Article 28C paragraph (1) of the 1945 Constitution of the Republic of Indonesia, including the right to have the Government endeavor to establish and administer a national education system aimed at enlightening the life of the nation, as mandated by Article 31 paragraph (3) of the 1945 Constitution of the Republic of Indonesia.

With respect to the Court's authority, the Petitioners petition for a review of the constitutionality of the law, *in casu* Article 16 letter a, Article 18 and Article 20 of Law 9/2010 against the 1945 Constitution of the Republic of Indonesia, therefore the Court has the authority to hear the Petitioners' petition.

With respect to the Petitioners' legal standing, regardless of whether or not the unconstitutionality of the norm being petitioned for review is proven, the Court is of the opinion that the Petitioners have the legal standing to act as Petitioners in submitting the petition *a quo*.

The Petitioners petition for a review of the constitutionality of the law, *in casu* Article 16 letter a, Article 18, and Article 20 of Law 9/2010 against the 1945 Constitution of the Republic of Indonesia, therefore the Court has the authority to hear the petition *a quo* of the Petitioners.

Whereas according to the Petitioners, the existence of Article 16 letter a, Article 18, and Article 20 of Law 9/2010 has violated the constitutional rights of the Petitioners and every person of the same profession as the Petitioners, such constitutional rights are regulated in the 1945 Constitution of the Republic of Indonesia, specifically Article 28C paragraph (1) and Article 31 paragraph (3). In essence, the violation arises from inaccuracies in Indonesia's historical facts that were incorporated into statutory regulations, thereby perpetuating errors within the national education system. As a result, the public fails to obtain the benefits of knowledge, the objective of enlightening the nation's life is not achieved, and the system even tends to mislead or diminish the nation's intellect.

Whereas with respect to the Petitioners' request for the Court to interpret the phrase "Independence of the Republic of Indonesia" in Article 16 letter a, Article 18, and Article 20 of Law 9/2010 as "Independence of the Indonesian Nation", such request cannot be granted, because the Court is of the opinion that the phrases "Indonesian Nation" and "Republic of Indonesia" carry meanings or essences that are not necessarily equivalent. The meaning of the phrase "Republic of Indonesia" is a country that has become independent, indicating the form of the state and its system of government. The Court is of the opinion that the provisions of Article 16 letter a, Article 18, and Article 20 of Law 9/2010, which use the phrase "Republic of Indonesia" instead of "Indonesian Nation", refer to the constitutional basis, namely the provisions in Article 1 paragraph (1) of the 1945 Constitution of the Republic of Indonesia which states "The State of Indonesia is a Unitary State, in the form of a Republic". In addition, the use of the phrase "Republic of Indonesia" in the provisions of Article 16 letter a, Article 18, and Article 20 of Law 9/2010, has fulfilled the method of law formation, which stipulates that the formation of laws must not conflict with higher regulations. The use of the term "Unitary State of the Republic of Indonesia" has become the nomenclature in the 1945 Constitution of the Republic of Indonesia and this term reflects the independent State of Indonesia. Thus, the use of the word "Republic" in Indonesia's official nomenclature is an affirmation of Indonesia's identity as a Republic.

Whereas the Court is of the opinion that replacing the phrase "the Independence of the Republic of Indonesia" in Article 16 letter a, Article 18, and Article 20 of Law 9/2010 with "the Independence of the Indonesian Nation" would necessarily entail a change to the norms of the provisions *a quo*, which would amount to the Court intruding into the lawmakers' domain. In addition, with respect to the norms of these articles, the Court finds no grounds, such as violations of morality, rationality, or intolerable injustice, to warrant a new interpretation. Accordingly, the Court is of the opinion that the constitutional issue concerning the substitution of the phrase "the Independence of the Republic of Indonesia" in Article 16 letter a, Article 18, and Article 20 of Law 9/2010 with "the Independence of the Indonesian Nation" essentially falls within the domain of the lawmakers. It is therefore for the House of Representatives and the President to determine which nomenclature is most appropriate to the nation's historical values, particularly from historical, philosophical, sociological, and juridical perspectives. In

this regard, the lawmakers are obliged to harmonize the use of the terms “the Independence of the Indonesian Nation” and “the Proclamation of the Independence of the Republic of Indonesia” to ensure consistency, coherence, and alignment with the 1945 Constitution of the Republic of Indonesia as the supreme law of the land.

Pursuant to the above legal considerations, the Court is of the opinion that the Petitioners’ arguments regarding the unconstitutionality of Article 16 letter a and Article 20 of Law 9/2010 are legally unjustifiable.

Pursuant to all the descriptions of the legal considerations above, the arguments of the Petitioners regarding the phrase “the Independence of the Republic of Indonesia” in the provisions of Article 16 letter a, Article 18, and Article 20 of Law 9/2010, do not violate the constitutional rights of the Petitioners to obtain and develop education in order to contribute to the intelligence of the nation as regulated in the provisions of Article 28C paragraph (1) and Article 31 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, contrary to the arguments of the Petitioners. Therefore, the Petitioners’ arguments regarding the norms of Article 16 letter a, Article 18 and Article 20 of Law 9/2010 are legally unjustifiable in its entirety.

Accordingly, the Court subsequently passes down a decision which verdict states to dismiss the Petitioners’ petition in its entirety.