



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 13/PUU-XXIII/2025**

Concerning

**Implementation of Competency Examinations and Issuance of Competency Certificates
by Higher Education Institutions in Cooperation with the Collegium**

- Petitioners** : **Hj. Evi Hasnita, et al.**
- Type of Case** : Judicial review of Law Number 17 of 2023 concerning Health (Law 17/2023) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
- Subject Matter** : Article 213 paragraph (2) and paragraph (4), as well as Article 220 paragraph (5) of Law 17/2023, are contrary to Article 17 paragraph (3), Article 28C paragraph (1), Article 28D paragraph (1), and Article 31 paragraph (3) of the 1945 Constitution
- Verdict** : To dismiss the Petitioners' petition entirely
- Date of Decision** : Wednesday, May 14, 2025
- Overview of Decision** :

The Petitioners are individual Indonesian citizens who hold the positions of rector, Chair of Aliansi Perguruan Tinggi Kesehatan Indonesia (the Alliance of Indonesian Health Universities), and students, and have constitutional rights which they believe have been violated by the enactment of the statutory norms being petitioned for review.

Regarding the Court's authority, since the Petitioners' petition is a review of the constitutionality of statutory norms, *in casu* Article 213 paragraph (2) and paragraph (4) as well as Article 220 paragraph (5) of Law 17/2023 against the 1945 Constitution, the Court has the authority to hear the petition *a quo*.

Regarding legal standing, the alleged constitutional loss explained by Petitioner I, Petitioner II, Petitioner III, and Petitioner IV has a causal relationship (*causal verband*) with the enactment of the statutory norms being petitioned for review. Therefore, if the petition *a quo* is granted, the alleged constitutional loss explained by Petitioner I, Petitioner II, Petitioner III, and Petitioner IV will not or will no longer occur. Thus, regardless of whether the unconstitutionality of the norms of being petitioned for review is proven or not, the Court is of the opinion that Petitioner I, Petitioner II, Petitioner III, and Petitioner IV (hereinafter referred to as the Petitioners) have the legal standing to act as Petitioners in the petition *a quo*.

Whereas before further considering the Petitioners' petition *a quo*, since the constitutionality issue that is challenged is evident, the Court is of the view that there is no urgency and relevance in hearing the statements of the parties as referred to in Article 54 of the Constitutional Court Law.

Whereas the constitutionality issue that the Court should consider is whether the norms of Article 213 paragraph (2) and paragraph (4) as well as Article 220 paragraph (5) of Law 17/2023 are in contrary to the rights to obtain education and obtain benefits from science and technology, arts and culture, as well as the Government's guarantee to endeavor to establish and administer a national education system as guaranteed in Article 17 paragraph (3), Article 28C paragraph (1), Article 28D paragraph (1), and Article 31 paragraph (3) of the 1945 Constitution. This can be realized if the implementation of competency examinations and the issuance of competency certificates by higher education institutions do not require cooperation with the Collegium, but are carried out by higher education institutions or accredited education providers, as per the interpretation petitioned by the Petitioners.

Whereas before responding to the Petitioners' petition argument, the Court first explains the following matters.

1. Whereas, as a rule of law state based on Pancasila and the 1945 Constitution, the Unitary State of the Republic of Indonesia has state goals, including advancing general welfare and improving the life of the nation. To achieve these national goals, sustainable development is carried out through a series of comprehensive, directed, and integrated developments, including those regarding health, which is also part of human rights. Therefore, every activity and effort to improve the highest level of public health is carried out in accordance with the principles of welfare, equality, non-discrimination, participation, and sustainability. This is important for establishing Indonesian human resources, increasing the nation's resilience and competitiveness, and developing the nation [*vide* the Elucidation of Law 17/2023].

Development in the health sector can be achieved through education. In this regard, education is a conscious and planned effort to provide a learning atmosphere and learning process that drive students to actively develop their potential to have spiritual religious strength, self-control, personality, intelligence, noble morals, and the skills needed by themselves, society, the nation, and the state [*vide* Article 1 point 2 of Law Number 12 of 2012 concerning Higher Education, hereinafter referred to as Law 12/2012]. In the health services sector, health education aims to improve the community's ability to maintain and enhance physical, mental, and social health, as well as to be economically and socially productive. Meanwhile, health services are all forms of activities provided directly to individuals or communities to maintain and improve health levels. Thus, health service education cannot be separated from the quality of Health Human Resources (SDMKes) as the implementers. The quality of SDMKes is measured by the Indonesian National Work Competency Standards (SKKNI) through competency examinations. Competency examinations are a measurement of students' knowledge, skills, and behavior to achieve competency standards [*vide* the Elucidation of Article 213 paragraph (1) of Law 17/2023]. To accomplish the competency standards in question, it is necessary to develop health and healthy living skills for every person to realize an optimal level of health as an element of general welfare. Health as a human right must be realized through various health efforts for the entire community, including the provision of affordable, high-quality health services to the community.

Regarding medical education, the Court has decided in Constitutional Court Decision Number 10/PUU-XV/2017, pronounced in a plenary session open to the public on April 26, 2018. Pursuant to the legal considerations of the decision above, the Court emphasized that

the duty of the Collegium as one of the stakeholders in the health sector is to participate in an effort to consolidate nationally applicable standards for medical professional education in the implementation of medical education. This is in line with the provisions regarding the implementation of professional education in the health sector, including specialist and subspecialist programs, which involves the role of the Collegium [*vide* Article 209 of Law 17/2023].

2. Regarding the Petitioners' argument that the competency examination organized by education providers in cooperation with the Collegium, as regulated in Article 213 paragraph (2) of Law 17/2023, is contrary to the 1945 Constitution to the extent that the norm is not interpreted as "The competency examination as referred to in paragraph (1) shall be organized by education providers," the Court, upon careful examination, finds that the substance of the norm of Article 213 paragraph (2) of Law 17/2023 which is being challenged has been decided by the Court in Constitutional Court Decision Number 10/PUU-XV/2017, Paragraph [3.14] point 1) and point 2) of the verdict *a quo*.

Pursuant to the legal considerations above, the substance being challenged by the Petitioners is essentially the same as the material decided by the Court in Constitutional Court Decision Number 10/PUU-XV/2017. Even though the object of the petition, basis for review, and constitutional reasons used by the Petitioners are different, however, the essence being petitioned in the case *a quo* is the same as that in the previous case decided by the Court, namely challenging the competency examinations organized by education providers in cooperation with the Collegium, where the Petitioners argued that the competency examination shall be held only by education providers, *in casu* higher education institutions. Pursuant to these legal facts, the legal considerations in Constitutional Court Decision Number 10/PUU-XV/2017, with respect to the phrase "competency examinations organized by education providers in cooperation with the Collegium," apply in a *mutatis mutandis* manner as a legal consideration in responding to the Petitioners' argument *a quo*. In this regard, the Court needs to reaffirm that the Collegium is part of the academic body in the medical profession, so it should be involved or engaged in professional examinations and competency examinations in the health sector. Because the Collegium consists of a group of experts from each health science discipline, handling certain branches of science and carrying out duties and functions independently. With this competence, it would not be unreasonable for the Collegium to have duties, roles, and responsibilities in the field of medical education. Thus, the Petitioners' argument *a quo* is legally unjustifiable.

3. Furthermore, the Petitioners argue that Article 213 paragraph (4) of Law 17/2023 is contrary to the 1945 Constitution and has no binding legal force to the extent that it is not interpreted as "Students who complete the professional program education as referred to in paragraph (1) and pass the competency examination at the end of the period of education shall obtain a professional certificate and a competency certificate issued by an accredited higher education institution." Regarding the Petitioners' argument *a quo*, the Court considers that the provisions of Article 44 paragraph (1), paragraph (2), and paragraph (3) of Law 12/2012, which in essence states that a competency certificate constitutes recognition of the competencies of graduates' achievements that are in accordance with their expertise in a branch of knowledge and/or achievements outside their study program, issued by a higher education institution in cooperation with a professional organization, a training institution, or an accredited certification body, to graduates who have passed a competency examination, and is used as a requirement for obtaining particular employment. In addition, Article 21 paragraph (1) and paragraph (2) of Law Number 36 of 2014 concerning Health Workers states that health students, at the end of their vocational and professional education, must take a national competency examination organized by higher education institutions in

cooperation with professional organizations, training institutions, or accredited certification institutions. These competency examinations aim to screen health workers who have the competence to provide health services to the community, with the main principle of patient safety, to ensure that health education graduates have the competency in their fields as issued by universities and professional organizations. So, regarding the Petitioners' arguments *a quo*, competency certificates issued by universities together with professional organizations in the health sector do not become a loophole to "forcefully displace" the authority of universities in issuing competency certificate for health students as feared by the Petitioners, because the issuance of competency certificate by universities together with professional organizations is still in the context of carrying out the function of the Collegium as one of the elements of the medical professional organization (*in casu*, the IDI or Indonesian Medical Association) which has competence in the field of medical education as per the legal considerations of Constitutional Court Decision Number 10/PUU-XV/2017. Thus, there is no constitutionality problem with the Article *a quo* as petitioned by the Petitioners. Therefore, the Petitioners' argument *a quo* is legally unjustifiable.

4. Whereas the Petitioners also argue that Article 220 paragraph (5) of Law 17/2023 is contrary to the 1945 Constitution and has no binding legal force to the extent that it is not interpreted as "The competency certificate as referred to in paragraph (4) shall be issued by an accredited Higher Education Institution or an accredited Education Provider Institution." Upon carefully examining the Petitioners' argument *a quo*, the Court finds that the substance of the norm of Article 220 paragraph (5) of Law 17/2023 which the Petitioners challenge does not constitute a form of "forced occupation" of the authority of higher education institutions nor an action contrary to the principle of fair legal certainty, nor the Collegium's blatant "seizure" of the authority of higher education institutions. In this regard, the Collegium is a body established by a professional organization of each branch of scientific discipline with duties of managing that branch of scientific discipline [*vide* Article 1 point 13 of Law Number 29 of 2004 concerning Medical Practice]. So, it is evident that, with respect to the argument *a quo*, there is no seizure of the authority of higher education institutions conducted by the Collegium as argued by the Petitioners, since the Collegium exists for matters as has been considered in Constitutional Court Decision Number 10/PUU-XV/2017. Therefore, regarding the Petitioners' argument with respect to Article 220 paragraph (5) of Law 17/2023, in the Court's opinion, there is no constitutionality issue as petitioned by the Petitioners. Thus, the Petitioners' argument *a quo* is legally unjustifiable.

Pursuant to all the descriptions of the legal considerations above, the Court is of the view that the phrase "Competency Examinations organized by education providers in cooperation with the Collegium" in the norm of Article 213 paragraph (2) of Law 17/2023, the phrase "Students who complete the professional program education and pass the competency examination shall obtain a professional certificate and a competency certificate" in the norm of Article 213 paragraph (4) of Law 17/2023, and the phrase "The competency certificate shall be issued by the Collegium" in the norm of Article 220 paragraph (5) of Law 17/2023 are clearly not contrary to the principle that each minister is in charge of certain affairs in the government; the principle that everyone has the right to develop themselves and improve their quality of life; the principle of recognition, assurance, protection, fair legal certainty, and equal treatment before the law; as well as the principle that the government endeavors to establish and administer a national education system as regulated in Article 17 paragraph (3), Article 28C paragraph (1), Article 28D paragraph (1), and Article 31 paragraph (3) of the 1945 Constitution, not as argued by the Petitioners. Thus, the Petitioners' arguments are entirely legally unjustifiable.

The Court does not further consider other matters and the remainder, as they are deemed to be irrelevant.

Accordingly, the Court subsequently passes down a decision, the verdict of which states to dismiss the Petitioners' petition entirely.