



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 41/PUU-XXIII/2025**

Concerning

Provision Concerning Recall by Political Parties

Petitioners	: Chindy Trivendi Junior, et al.
Type of Case	: Material review of Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional Legislative Council (Law 17/2014) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	: Article 239 paragraph (2) letter d of Law 17/2014 is contrary to Article 1 paragraph (2) and Article 19 paragraph (1) of the 1945 Constitution
Verdict	: To dismiss the Petitioners' petition in its entirety
Date of Decision	: Thursday, June 5, 2025
Overview of Decision	:

The Petitioners are individual Indonesian citizens who believe that their constitutional rights, as guaranteed in Article 27 paragraph (1), Article 28C paragraph (2), and Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, are violated by the enactment of the norm of Article 239 paragraph (2) letter d of Law 17/2014 because it disrupts the representative system that has been created through the general election process. The sovereignty of the Petitioners as voters is threatened by the interference and intervention of political parties, since it would reduce the independence of the "elected Representatives" in channeling the people's aspirations from their respective electoral districts, and therefore not all aspirations can be absorbed because they are not entirely in line with the wishes of the political parties.

Regarding the Court's authority, because the Petitioners petition for a review of the constitutionality of Law, *in casu* Article 17/2014 against the 1945 Constitution, since it is one of the authority of the Court pursuant to Article 24C paragraph (1) of the 1945 Constitution of the Republic of Indonesia, Article 10 paragraph (1) letter a of the Constitutional Court Law, and Article 29 paragraph (1) of the Judicial Power Law, the Court has the authority to hear the petition *a quo*.

With respect to their legal standing, the Petitioners have been able to describe their qualifications as individual Indonesian citizens which are assumed to have suffered a loss of constitutional rights due to the enactment of the statutory norms being reviewed. The assumption of loss of constitutional rights is specific and actual, arising due to the enactment

of the norm of Article 239 paragraph (2) letter d of Law 17/2014. In this regard, the assumption of loss of constitutional rights as described by the Petitioners has a causal relationship (*causal verband*) with the enactment of the legal norms being petitioned for review. Therefore, if the petition *a quo* is granted, the assumption of loss of constitutional rights as described by the Petitioners will not occur and will no longer occur. Thus, 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 the petition *a quo*.

Whereas since the petition *a quo* 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.

With respect to whether or not it is possible to resubmit the petition for judicial review of the norm of Article 239 paragraph (2) letter d of Law 17/2014, since the norm *a quo* has previously been reviewed and decided by the Court in the Constitutional Court Decision Number 79/PUU-XII/2014 which was pronounced in a Plenary Session open to the public on September 22, 2015 and Constitutional Court Decision Number 22/PUU-XXIII/2025 which was pronounced in a Plenary Session open to the public on May 14, 2025. Regardless of the substance of the petition *a quo* whether it is reasonable or not, because there are different grounds for review and different constitutional reasons, the Court is of the opinion that formally, the petition *a quo* is not hindered by the provisions of Article 60 of the Constitutional Court Law and Article 78 of Constitutional Court Regulations 2/2021, so that the provisions of Article 239 paragraph (2) letter d of Law 17/2014 may be resubmitted for review. Therefore, the Court shall further consider the subject matter of the petition.

With respect to the review of Article 239 paragraph (2) letter d of Law 17/2014, in essence, it states that after members of the House of Representatives are elected in a general election and inaugurated, they cease to belong to a political party and instead represent the people, who hold sovereignty over the House of Representatives. After carefully studying and examining the arguments *a quo* submitted by the Petitioners, the Court finds that, in essence, these arguments raise the same constitutional issue as that examined in Petition Number 22/PUU-XXIII/2025, which has already been decided, including the legal considerations set out in Paragraphs [3.14] and [3.15]. Therefore, pursuant to the quoted legal considerations, because the essence of the petition *a quo* is the same as the one in Petition Number 22/PUU-XXIII/2025, then the legal considerations of the Constitutional Court Decision Number 22/PUU-XXIII/2025 in general *mutatis mutandis* also applies when considering the arguments for the petition *a quo* and currently the Court does not have a strong reason to shift from its position as contained in the legal considerations in the said decision, so that the arguments *a quo* of the Petitioners must be declared legally unjustifiable.

Pursuant to all the considerations above, the Court is of the opinion that it has been proven that the provisions of Article 239 paragraph (2) letter d of Law 17/2014 are not contrary to the principle of popular sovereignty and they do not negate the election results as guaranteed in Article 1 paragraph (2) and Article 19 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, instead of as argued by the Petitioners. Therefore, the Petitioner's arguments are entirely legally unjustifiable.

Accordingly, the Court subsequently passed down a decision, the verdict of which was to dismiss the Petitioners' petition in its entirety.