



**CONSTITUTIONAL COURT  
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION  
FOR CASE NUMBER 70/PUU-XXIII/2025**

**Concerning**

**Discrimination of Requirements for Job Applicants**

- Petitioner** : Leonardo Olefins Hamonangan
- Type of Case** : Judicial Review of Law Number 13 of 2003 concerning Manpower (Law 13/2003) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
- Subject Matter** : Article 35 paragraph (1) of Law 13/2003 is contrary to Article 1 paragraph (2) of the 1945 Constitution
- Verdict** : To dismiss the Petitioner's petition in its entirety
- Date of Decision** : Thursday, June 26, 2025
- Overview of Decision** :

The Petitioner is indeed an individual citizen of Indonesia as proven by the Petitioner's Residence Identity Card and works as a freelancer or independent worker. The Petitioner explained that his constitutional rights were violated by the enactment of the norm of Article 35 paragraph (1) of Law No. 13 of 2003, as it has caused many companies in Indonesia to establish job requirements or qualifications that prevented the Petitioner from obtaining employment due to discriminatory criteria, such as work experience requirements, minimum age limits, graduation from top universities, and physical appearance (good-looking).

With respect to the Court's authority, since the Petitioner petitions for a review of the constitutionality of statutory norms, *in casu* Law 13/2003 against the 1945 Constitution, the Court has the authority to hear the petition *a quo*.

With respect to the legal standing of the Petitioner, the Petitioner has been able to describe, specifically and actually or at least potentially, his constitutional rights that are considered to have been violated as a result of the enactment of the norm of Article 35 paragraph (1) of Law 13 of 2003. The Petitioner's alleged loss arises from discriminatory job application requirements under the article *a quo*, which does not provide specific limitations on the determination of job requirements that may hinder job applicants from obtaining employment, thereby giving rise to controversy among job applicants and creating a legal loophole that legitimizes forms of discrimination in the determination of job requirements, therefore, it is contrary to the principles of justice and non-discrimination as guaranteed by the constitution. If the petition *a quo* to review the Law is granted, it would provide a fair and equal treatment before the law as

guaranteed by the constitution. In describing the loss of his constitutional rights, the Petitioner has been able to explain specifically and actually or at least potentially the assumption of loss of the Petitioner's constitutional rights. Therefore, it is evident that there is a causal relationship (*causal verband*) between the Petitioner's assumption of constitutional loss and the enactment of the norm being petitioned for review. Thus, if this petition is granted, such constitutional loss of the Petitioner will not occur. Accordingly, regardless of whether or not the unconstitutionality issue of the norm of Article 35 paragraph (1) of Law 13/2003 being petitioned for review is proven, the Court is of the opinion that the Petitioner has the legal standing to submit 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.

Whereas the Court first considers it necessary to confirm the material of the Petitioner's petition in the case *a quo* and compare it with the previous petitions in Case Number 35/PUU-XXII/2024, Case Number 124/PUU-XXII/2024 and Case Number 159/PUU-XXII/2024. The basis for review used in Case Number 35/PUU-XXII/2024 is Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Next, the Case Number 124/PUU-XXII/2024 used Article 27 paragraph (2), Article 28D paragraph (1), and Article 28I paragraph (2) of the 1945 Constitution as its legal basis for review. Lastly, the Case Number 159/PUU-XXII/2024 used Article 27 paragraph (1) and paragraph (2), Article 28D paragraph (1) and paragraph (2), Article 28H paragraph (2) and Article 28I paragraph (2) of the 1945 Constitution as its legal basis for review. Meanwhile, the petition *a quo* uses Article 1 paragraph (2) of the 1945 Constitution as its legal basis for review. Therefore, the legal basis for review used in the petition *a quo* of the Petitioner is different from the legal basis used in the previous cases. Pursuant to this description, regardless of whether the substance of the petition *a quo* is reasonable or not, given that it is based on different legal basis for review, 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 Regulation No. 2 of 2021. Therefore, the provisions of Article 35 paragraph (1) of Law 13 of 2003 may be resubmitted for review.

Whereas, after the Court has examined and carefully considered the Petitioner's arguments *a quo*, it has been established that, in essence, they are the same as the issues concerning the constitutionality of the norm of Article 35 paragraph (1) of Law 13 of 2003 that have been adjudicated in several previous cases, with legal considerations set out, *inter alia*, in: *First*, the Constitutional Court Decision Number 35/PUU-XXII/2024; *Second*, the Constitutional Court Decision Number 124/PUU-XXII/2024; and *Third*, the Constitutional Court Decision Number 159/PUU-XXII/2024. Whereas the Petitioner's *petitum* requesting the Court to interpret Article 35 paragraph (1) of Law 13 of 2003 as "employers requiring workers may recruit the required workers themselves or through a labor placement agency and must pay attention to not setting requirements that prioritize age, gender, race, ethnicity, religion, certain educational backgrounds, university origin, or other personal conditions that are not directly related to competence, qualifications, and objective job requirements," is, in essence, the same as the petitions previously filed by the same Petitioner in Case Number 35/PUU-XXII/2024, Case Number 124/PUU-XXII/2024, and Case Number 159/PUU-XXII/2024.

Thus, even if the Petitioner submits a legal basis for review that differs from those used in the previous petitions that have been decided, because in substance the petition *a quo* is in fact the same as those in Case Number 35/PUU-XXII/2024, Number 124/PUU-XXII/2024, and Number 159/PUU-XXII/2024, the legal considerations set forth in Constitutional Court Decision Number 35/PUU-XXII/2024, Number 124/PUU-XXII/2024, and Number 159/PUU-XXII/2024, in

general, *mutatis mutandis*, also apply in considering the arguments of the petition *a quo*. Since, to date, the Court has not had strong reasons to depart from the position adopted in the legal considerations of the previous decisions, the Petitioner's arguments *a quo* must therefore be declared legally unjustifiable.

Pursuant to the above legal considerations, the Petitioner's argument regarding the constitutionality issue of Article 35 paragraph (1) of Law 13/2003 is legally unjustifiable.

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