



CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA

SUMMARY OF DECISION
FOR CASE NUMBER 103/PUU-XXIII/2025

Concerning

Constitutionality of the National Police Commission

- Petitioners** : Syamsul Jahidin, et al.
- Type of Case** : Judicial Review of Law Number 2 of 2002 concerning National Police of the Republic of Indonesia (Law 2/2002) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
- Subject Matter** : Article 37 paragraph (2) of Law 2/2002 which regulates the formation of the National Police Commission (*Komisi Kepolisian Nasional* or Kopolnas), according to the Petitioners, has violated the constitutional rights of the Petitioners because Kopolnas cannot act professionally as a supervisor of the Police, and therefore this provision is contrary to Article 1 paragraph (3) and Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia
- Verdict** : 1. To declare that the petition of Petitioner I is inadmissible
2. To dismiss the petition of Petitioner II and Petitioner III in its entirety
- Date of Decision** : Wednesday, July 30, 2025
- Overview of Decision** :

The Petitioners are Indonesian citizens who are taxpayers, whose constitutional rights have been actually violated by Article 37 paragraph (2) of Law 2/2002. The Law *a quo* regulates that the National Police Commission is established under a Presidential Decree, which according to the Petitioners, the existence of this provision is detrimental to the Petitioners, as the National Police Commission is unable to carry out its supervisory role over the National Police of the Republic of Indonesia, among others, because reports submitted by the Petitioners regarding the unprofessional conduct of the police were not followed up or responded to in a professional manner. Therefore, according to the Petitioner, the provision of Article 37 paragraph (2) of Law 2/2002 is contrary to Article 1 paragraph (3) and Article 28D paragraph (1) of the 1945 Constitution.

Since the Petitioners petition for a constitutionality review of the norms of law, *in casu* Article 37 paragraph (2) of Law 2/2002 against Article 1 paragraph (3) and Article 28D paragraph (1) of the 1945 Constitution, the Court has the authority to hear the petition *a quo*.

With respect to the legal standing of the Petitioners, in their petition, he Petitioners stated that they had suffered factual losses, however, based on the evidence submitted, it appears that only Petitioner II and Petitioner III were able to prove the existence of such factual

losses, whereas Petitioner I was unable to prove that he had suffered any factual loss. Therefore, the Court is of the opinion that only Petitioner II and Petitioner III have 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 to hear the statements of the parties as intended in Article 54 of the Constitutional Court Law.

With respect to the Petitioners' argument that the existence of the National Police Commission is unconstitutional, the Court considers that the National Police Commission is not an institution mentioned in the 1945 Constitution of the Republic of Indonesia. However, even though the existence of the National Police Commission and several other institutions is not regulated in the 1945 Constitution of the Republic of Indonesia, this does not necessarily make these institutions, including the National Police Commission, unconstitutional.

The existence of an institution cannot be judged constitutional or unconstitutional if it is not linked to several factors, namely the position of the institution in the structure of the state system, the nature of the institution, its functions or duties, its procedures and other provisions that provide the institution with the ability to move/operate dynamically.

The Petitioners also questioned the constitutionality of the norm contained in Article 37 paragraph (2) of Law Number 2 of 2002 concerning the existence of the National Police Commission, which was established under a Presidential Decree, however, such question was raised without further explanation as to whether the alleged constitutional issue lies with the National Police Commission itself or with the Presidential Decree under which it was established. If the Petitioners' concern relates to the alleged unconstitutionality of the National Police Commission, the Court has previously provided legal considerations on this matter. However, if what the Petitioners are questioning concerns the legal instrument used to establish the National Police Commission, namely a Presidential Decree, the Court is of the opinion that this falls within the scope of the legal policy of the lawmakers. The Court is of the opinion that the lawmakers have the discretion to determine whether the legal basis for the establishment of the National Police Commission should take the form of a law, a government regulation, or a presidential regulation, with such choice necessarily adjusted to the substance and material content relating to the National Police Commission. The Court is of the opinion that as the National Police Commission is positioned as part of the executive branch, it is appropriate for the National Police Commission to be established through statutory regulations in the form of a Presidential Decree, the issuance of which falls within the authority of the President as the head of the executive or government.

The Petitioners argue that there is ambiguity or a lack of clarity in the norm (vague norm) contained in Article 37 paragraph (2) of Law Number 2 of 2002, which results in the failure to achieve fair legal certainty for the Petitioners and opens up opportunities for discrimination, violent practices by officials, and impunity from legal responsibility. With regard to the Petitioners' arguments, the Court is of the opinion that the formulation of Article 37 paragraph (2) of Law Number 2 of 2002 is clear and unambiguous. If, by the term vague norm, the Petitioners mean that such formulation cannot be understood, or is susceptible to multiple interpretations (ambiguous), the Court, after careful examination, finds that it can readily understand the meaning of Article 37 paragraph (2) of Law Number 2 of 2002 and does not find any aspect that would render the provision unclear or incomprehensible, as alleged by the Petitioners.

Pursuant to the legal considerations above, the Court is of the opinion that the provision of Article 37 paragraph (2) of Law 2/2002 is clear and does not contain any vague or unclear norm and has provided fair legal certainty, therefore it is not contrary to Article 1 paragraph (3) and Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

Accordingly, the Court subsequently passed down a decision, the verdict of which states as follows:

1. To declare that the petition of Petitioner I is inadmissible;
2. To dismiss the petition of Petitioner II and Petitioner III in its entirety.