



**CONSTITUTIONAL COURT  
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION  
FOR CASE NUMBER 116/PUU-XXIII/2025**

**Concerning  
Regulations on National Police Finance in Law**

<b>Petitioner</b>	: Syamsul Jahidin
<b>Type of Case</b>	: 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)
<b>Subject Matter</b>	: Judicial Review of Article 40 of Law 2/2002 against Article 1 paragraph (3), Article 23 paragraph (1), Article 23C, and Article 28D paragraph (1) of the 1945 Constitution
<b>Verdict</b>	: To dismiss the Petitioner's petition in its entirety
<b>Date of Decision</b>	: Thursday, August 14, 2025
<b>Overview of Decision</b>	:

The Petitioner is an individual Indonesian citizen, who works as an advocate, who believes that his constitutional rights have been violated by the enactment of the norm of Article 40 of Law 2/2002 because the absence of regulations regarding the Police budget in a law results in the Petitioner not having an adequate legal basis to demand transparency in the use of the budget which according to the Petitioner will affect the investigation process and public services in the police institution. In addition, the unclear nature of police budget may lead to disparities in services between regions.

With respect to the Court's authority, the Petitioner petitions for a review of the constitutionality of statutory norm, *in casu* Article 40 of Law 2/2002 against the 1945 Constitution, therefore the Court has the authority to decide on the petition *a quo*.

With respect to the legal standing of the Petitioner, the Court is of the opinion that the Petitioner has been able to prove himself as an Indonesian citizen who has constitutional rights guaranteed by the 1945 Constitution of the Republic of Indonesia. With respect to the assumption of potential loss of constitutional rights of the Petitioner arising due to the enactment of the norm of Article 40 of Law 2/2002 which is being petitioned for review, the Court is of the opinion that the Petitioner is able to describe a causal relationship (*causal verband*) between the assumption of loss, or at least the assumption of potential loss, of constitutional rights and the enactment of the norm being petitioned for review. Within the limits of reasonable reasoning, the Court is of the opinion that the said assumption of potential loss of constitutional rights is specific and potential in nature, because the existence of the norm *a quo* has caused citizens, including the Petitioner, to be unable to supervise the management of public finances inherent in the police, if the norm *a quo* does not contain regulations concerning the police budget as regulated by law norm. Therefore, if the petition *a quo* is granted, the assumption of loss of the Petitioner's constitutional rights will not occur. Accordingly, regardless of whether or not the constitutionality issue of norm of Article 40 of Law 2/2002 being petitioned for review is proven or not, the Court is of the opinion that the Petitioner

has the legal standing to act as Petitioner in the petition *a quo*.

Whereas because the Court has the authority to hear the petition *a quo* and the Petitioner has the legal standing to act as a Petitioner in the petition *a quo*, the Court will then consider the subject matter of the petition.

Whereas since the Petitioner *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.

Whereas, with respect to the Petitioner's argument questioning the constitutionality of the norm of Article 40 of Law 2/2002, which regulates the sources of funding for the National Police Commission, while the budget or sources of funding for the police are not regulated in Law 2/2002 *a quo*, such argument must be understood within the framework of state financial management in the Indonesian state system. In this case, with regard to state finances, in general, they must comply with Law 17/2003 concerning State Finances (Law 17/2003). For example, Article 11 paragraph (1) of Law 17/2003 states that "the State Revenue and Expenditure Budget (*Anggaran Pendapatan dan Belanja Negara* or APBN) is a form of state financial management that is determined annually by law." In relation to this, Article 12 paragraph (1) of Law 17/2003 states that "the State Revenue and Expenditure Budget is prepared in accordance with the needs of state governance and the ability to collect state revenue." Furthermore, Article 14 paragraph (1) of Law 17/2003 states that "in the context of preparing the draft of the State Revenue and Expenditure Budget, ministers/heads of institutions as budget users/goods users prepare the work plan and budget of the ministry/institution for the following year." In essence, as reflected in a number of provisions in Law 17/2003, in its position as a state administrator in the field of state security, the police budget must comply with the principles of state financial management, including that the police budget must originate from legitimate sources and be in accordance with the provisions of laws and regulations.

Whereas, when linked to the Petitioner's argument, if examined carefully, the norm requested to be declared conditionally unconstitutional is the norm of Article 40 of Law 2/2002. Systematically, Article 40 of Law 2/2002 is grouped in Chapter VI concerning the NATIONAL POLICE INSTITUTION, which consists of four articles, namely Articles 37 to 40. In essence, Chapter VI of Law 2/2002 is intended to regulate the position, duties, authority, membership, and sources of funding of the National Police Commission. Pursuant to reference number 63 of Attachment II of Law 12/2011 concerning the Formation of Legislation (Law 12/2011), the grouping of material content in legislation is formulated comprehensively in accordance with the similarity of the material concerned. If there is any material that is required but cannot be grouped within the scope of existing regulations, this material is included in the chapter "miscellaneous."

Pursuant to the guidelines set forth in Law 12/2011, in relation to the Petitioner's petition, the substance of Chapter VI of Law 2/2002 constitutes a regulation concerning the institution of the National Police Commission, which, among other things, in accordance with the provisions of Article 37 paragraph (1) of Law 2/2002, is positioned under and is responsible to the President. In this position, the National Police Commission is not part of the police organizational structure. By linking the provisions of Article 8 paragraph (1) of Law 2/2002 with Article 37 paragraph (1) of Law 2/2002, the police and the National Police Commission are situated in different organizational structures, however, both are under the President. With this separate organizational structure, the lawmakers need to regulate the sources of funding to support the implementation of the duties of the National Police Commission. Unlike the police, even though the police budget is not regulated in Law 2/2002, as previously considered above, the police budget is determined, compiled, and subject to regulations within the state financial regime.

Whereas, by relying on the considerations above, the Petitioner's petition, which seeks to have the police budget regulated in Article 40 of Law 2/2002 by adding the phrase "National Police of the Republic of Indonesia and," so that the norm *a quo* is interpreted as "all funding

required to support the implementation of the duties of the National Police of the Republic of Indonesia and the National Police Commission is charged to the State Revenue and Expenditure Budget,” is systematically inappropriate because it does not comply with the grouping of material norms in Article 40 of Law 2/2002. Because the norm of Article 40 of Law 2/2002 is contained in the chapter regulating the National Police Commission, it is inappropriate and irrelevant to add the phrase “the Republic of Indonesia State Police and” as requested. In addition to having the potential to disrupt the normative structure of Article 40 of Law 2/2002, the addition of the phrase “the National Police of the Republic of Indonesia and” also has the potential to disrupt the preparation of the police budget, which must comply with the principles governing the determination and preparation of the budgets of state institutions in the State Revenue and Expenditure Budget. Within the limits of reasonable reasoning, if the interpretation requested by the Petitioner is implemented as the substance of the norm of Article 40 of Law 2/2002, it could in fact give rise to legal uncertainty, as it would appear as though the police budget were part of the National Police Commission’s budget.

Pursuant to the legal considerations above, the Petitioner’s argument, which essentially asserts that Article 40 of Law 2/2002 is conditionally contrary to the 1945 Constitution of the Republic of Indonesia if it is not interpreted as “all funding required to support the implementation of the duties of the National Police of the Republic of Indonesia and the National Police Commission is charged to the State Revenue and Expenditure Budget,” is not justified and must therefore be declared legally unjustifiable.

Whereas, having considered that the issue concerning the norm of Article 40 of Law 2/2002 is legally unjustifiable, because the *petitum* requesting the Court to “order the lawmakers to regulate the management of the police budget which is subject to the principles of transparency and accountability as regulated in Article 23 of the 1945 Constitution of the Republic of Indonesia” is intertwined with the *petitum* relating to Article 40 of Law 2/2002, the argument *a quo* has lost its relevance for further consideration. Accordingly, the argument *a quo* must also be declared legally unjustifiable.

Whereas pursuant to all the legal considerations as described above, the norms of Article 40 of Law 2/2002 have been proven not to be contrary to the right to protection by the state, management of the State Revenue and Expenditure Budget, regulation of state finances and the right to legal recognition, guarantee, protection and certainty, as guaranteed in Article 1 paragraph (3), Article 23 paragraph (1), Article 23C and Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, not as argued by the Petitioner. Therefore, the Court is of the opinion that the arguments of the Petitioner are entirely legally unjustifiable.

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