



**CONSTITUTIONAL COURT  
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION  
FOR CASE NUMBER 129/PUU-XXIII/2025**

**Concerning**

**Follow-up to the Constitutional Court Decision and the Constitutional Court's  
Authority to Examine and Decide on Constitutional Complaints  
and Issue Constitutional Court Fatwas**

- Petitioners** : Zico Leonard Djagardo Simanjuntak and Putu Surya Permana Putra
- Type of Case** : Judicial Review of Law Number 15 of 2019 concerning Amendment to Law Number 12 of 2011 concerning Formation of Laws and Regulations (Law 15/2019) and Law Number 24 of 2003 concerning the Constitutional Court (Law 24/2003) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
- Subject Matter** : Article 23 paragraph (1) letter b of Law 15/2019 and Article 10 paragraph (1) and Article 11 of Law 24/2003 are contrary to Article 1 paragraph (3), Article 24, Article 24C paragraph (1), Article 28D paragraph (1), and Article 28I paragraph (4) of the 1945 Constitution of the Republic of Indonesia
- Verdict** : To dismiss the Petitioners' petition in its entirety
- Date of Decision** : Thursday, August 28, 2025
- Overview of Decision** :

The Petitioners are individual Indonesian citizens. Petitioner I works as an advocate and Petitioner II is a student at Universitas Udayana. The Petitioners believe that their constitutional rights as guaranteed in Article 28D paragraph (1), Article 28I paragraph (4) of the 1945 Constitution of the Republic of Indonesia have been violated due to the enactment of Article 23 paragraph (1) letter b of Law 15/2019 and Article 10 paragraph (1) and Article 11 of Law 24/2003.

Whereas with respect to the Court's authority, because the Petitioners petition for a review of the constitutionality of statutory norms, *in casu* material review of Article 23 paragraph (1) letter b of Law 15/2019 and Article 10 paragraph (1) and Article 11 of Law 24/2003 against the 1945 Constitution, the Court has the authority to hear the petition *a quo*.

With respect to the legal standing of the Petitioners, the Court is of the opinion that Petitioner I and Petitioner II have been able to clearly describe their qualifications as individual Indonesian citizens who have constitutional rights guaranteed by the 1945 Constitution of the Republic of Indonesia, and are assumed to have suffered a loss of constitutional rights due to the enactment of the articles/norms of the law being petitioned for review [*vide* Evidence P-4 and Evidence P-5]. The assumption of loss of constitutional rights is specific and actual, or at least potential in nature, which arising due to the enactment of the norm of Article 23 paragraph (1) letter b of Law 15/2019, and Article 10 paragraph (1) and Article 11 of Law 24/2003. In this regard, the assumption of loss of constitutional rights, which is actual or at least potential in

nature, has been explained by Petitioner I and Petitioner II and that there is a causal relationship (*causal verband*) between such loss and the enactment of the legal norms being petitioned for review, namely the lack of legal certainty regarding the follow-up to the decision of the Constitutional Court by the lawmakers. Accordingly, if the petition *a quo* is granted, the assumption of loss of constitutional rights, or the potential of which, as described by Petitioner I and Petitioner II will not or 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 Petitioner I and Petitioner II (hereinafter referred to as 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 of the opinion that there is no urgency or needs in hearing the statements of the parties as intended in Article 54 of the Constitutional Court Law.

Whereas the main issue questioned by the Petitioners is whether the norms of Article 23 paragraph (1) letter b of Law 15/2019 and Article 10 paragraph (1) and Article 11 of Law 24/2003 are contrary to Article 1 paragraph (3), Article 24, Article 24C paragraph (1), Article 28D paragraph (1), and Article 28I paragraph (4) of the 1945 Constitution of the Republic of Indonesia if they are not interpreted as petitioned by the Petitioners.

Whereas in relation to the Petitioners' petition, particularly the one questioning the constitutionality of the phrase "Constitutional Court Decision" in the norm of Article 23 paragraph (1) letter b of Law 15/2019, the Court is of the opinion that it is irrelevant and no longer necessary. Considering that the 1945 Constitution of the Republic of Indonesia clearly and firmly regulates the final and binding nature of the decisions of the Constitutional Court. This means that there is an obligation to follow up on the decision of the Constitutional Court, because such follow-up has been directly ordered by the Constitution itself, whether the decision declares that a norm has no binding legal force, declares that a norm has conditional or unconditional binding legal force, or maintains the validity of a norm but, in its legal considerations, contains an order (judicial order), even where such order appears only in the form of legal considerations consisting of rational grounds (*ratio legis*) which constitute the *ratio decidendi* of the decision on the relevant petition and include matters as petitioned by the Petitioners.

Whereas with respect to the Decision of the Court, pursuant to Article 48 paragraph (2) of Law 24/2003, it is stipulated that a Constitutional Court Decision must contain several elements. Therefore, all elements contained in a decision constitute an integral part of the said Constitutional Court Decision and must be followed up in their entirety by all parties, including those addressed in the decision. Moreover, in determining a final and binding decision, a legal basis is required, which lies in the legal considerations. These legal considerations often include the *ratio decidendi*, namely legal opinions that are directly related to the conclusions and orders, or even contain orders (judicial orders). As such, they cannot be separated from the verdict and possess a legally binding force that must also be implemented (executorial) by all parties, particularly those addressed in the decision, since the decisions of the Constitutional Court have *erga omnes* effect. In the context of the case *a quo*, the Court must reaffirm that acts of ignoring or defying the decisions of the Constitutional Court, often carried out by those addressed in such decisions and which, as feared by the Petitioners, have the potential to continue, are contrary to the principle of constitutional supremacy. Such conduct does not indicate weak binding force of the decisions of the Constitutional Court themselves, but rather reflects weak legal awareness and compliance with the obligation of the addressees to implement the decisions of the Constitutional Court, and demonstrates a lack of respect for the principles of a democratic state in accordance with the rule of law in national and state life. Therefore, it is important to strengthen the legal awareness of every element of society, including the state administrators, in order to create a strong legal culture in accordance with the policies outlined in the 2025–2045 National Long-Term Development Plan (*Rencana Pembangunan Jangka Panjang Nasional* or RPJPN 2025–2045) [*vide* Attachment to Law Number 59 of 2024]. One of the means to achieve this is by providing the public with a broad understanding of the importance of complying with decisions of the Constitutional Court, which are *erga omnes* in nature, as a manifestation of obedience to the Court's decisions. However, on the other hand, constitutional justices who issue such

decisions of an *erga omnes* nature, which must be implemented by the addressees, are required not only to remain independent and maintain integrity, but also to have their independence guaranteed and protected. Failure to ensure such protection may threaten the consistency and sustainability of the independence of the constitutional justices. Therefore, the Court is of the opinion that the Petitioners' argument regarding Article 23 paragraph (1) letter b of Law 15/2019 is legally unjustifiable.

Whereas furthermore, after carefully examining the Petitioners' arguments concerning the alleged unconstitutionality of the norm contained in Article 10 paragraph (1) of Law 24/2003, which essentially explains the authority of the Constitutional Court and is argued to be unconstitutional if it is not interpreted as including the authority to examine the actions of public officials or state institutions (constitutional complaints) that are contrary to the 1945 Constitution of the Republic of Indonesia, and allegedly in violation of Article 24 and Article 28I paragraph (4) of the 1945 Constitution of the Republic of Indonesia, the Court finds that the constitutionality issue questioned by the Petitioners is essentially identical to the constitutionality issue that has previously been decided, namely in the Constitutional Court Decision Number 28/PUU-XVII/2019, pronounced in a plenary session open to the public on November 28, 2019, and reaffirmed by the Court in the Constitutional Court Decision Number 103/PUU-XX/2022, pronounced in a plenary session open to the public on November 23, 2022. In those decisions, the Court took the position that the addition of constitutional complaint authority would be more appropriate and ethical if it were not exercised by the Constitutional Court itself. In the context of the case *a quo*, the Petitioners petition for the Court to provide an additional interpretation of the provisions of Article 10 paragraph (1) of Law No. 24 of 2003 in the form of an expansion of the Constitutional Court's authority to examine the actions of public officials or state institutions (constitutional complaints) that are contrary to the 1945 Constitution of the Republic of Indonesia. According to the Petitioners, such an expansion is intended not only as an effort to protect the constitutional rights of citizens, but also as a means to strengthen the effectiveness and enforceability of Constitutional Court decisions, in order to minimize the occurrence of constitutional disobedience, which is often committed by those addressed in such decisions. With respect to this matter, the Court is of the opinion that the Petitioners' petition, which request the Court to interpret Article 10 paragraph (1) of Law 24/2003, is essentially the same as the petition previously submitted, one of which is submitted by the same Petitioner, in Case Number 28/PUU-XVII/2019 and Case Number 103/PUU-XX/2022. Therefore, even though the Petitioners have added a different basis for judicial review compared to the previously decided petitions, namely Article 24 of the 1945 Constitution of the Republic of Indonesia, and have also presented slightly different reasons and arguments, nevertheless, because in substance the Petitioners' petition remains essentially the same as the substance examined in Case Number 28/PUU-XVII/2019 and Case Number 103/PUU-XX/2022, the legal considerations in both decisions *a quo mutatis mutandis* also apply in assessing the arguments of the Petitioners' petition. This is because, to date, the Court has not found compelling reasons to depart from its position set forth in the legal considerations of its previous decisions. Accordingly, the arguments *a quo* of the Petitioners must be declared legally unjustifiable.

Whereas, with respect to the Petitioners' petition requesting the addition of the Court's authority under Article 11 of Law 24/2003 to provide fatwas or constitutional advice of a non-binding nature, intended to prevent uncertainty in the interpretation of the Constitution and to encourage compliance with decisions of the Constitutional Court, after carefully examining the arguments submitted by the Petitioners, the Court is of the opinion that this matter is, in principle, substantially similar to the petition seeking an interpretation of the norm of Article 10 paragraph (1) of Law 24/2003 in the form of an expansion of the Constitutional Court's authority. Within the bounds of reasonable reasoning, if the requested new interpretation were to be accepted as sought by the Petitioners, the Court would, in effect, directly confer upon itself a new authority, namely an additional authority to undertake actions related to the implementation of its principal authority as referred to in Article 10 paragraph (1) of Law 24/2003. In this regard, the Court also is of the opinion that any addition to the authority of the Constitutional Court, whether in the form of principal authority or additional authority for the purpose of implementing such principal authority, would be more appropriate and ethical if it were not exercised by the Constitutional

Court itself. Accordingly, the Petitioners' argument with regard to the addition of the Court's authority is legally unjustifiable.

Whereas pursuant to all the legal considerations above, the Court is of the opinion that Article 23 paragraph (1) letter b of Law 15/2019 and Article 10 paragraph (1) and Article 11 of Law 24/2003 have been proven not to violate the principles of the rule of law and the principle of an independent judiciary in administering justice, and are not contrary to the principles of fair legal recognition, guarantee, protection, certainty, and the advancement, enforcement and fulfillment of human rights which are the responsibility of the state, especially the government which are guaranteed in Article 1 paragraph (3), Article 24, Article 24C paragraph (1), Article 28D paragraph (1), and Article 28I paragraph (4) of the 1945 Constitution of the Republic of Indonesia, not as argued by the Petitioners.

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