CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA

SUMMARY OF DECISION
FOR CASE NUMBER 64/PUU-XXIII/2025

Concerning

Formal Review of Law Number 1 of 2025 concerning the Third Amendment to Law Number 19 of 2003 concerning State-Owned Enterprises

Petitioners	:	**Lembaga Konsultasi dan Bantuan Hukum Mahasiswa Islam, West Jakarta Branch, et al.**
Type of Case	:	Formal review of Law Number 1 of 2025 concerning the Third Amendment to Law Number 19 of 2003 concerning State-Owned Enterprises (Law 1/2025) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	:	The formation of Law 1/2025 is contrary to the principle of general elections carried out in a direct, public, free, confidential, honest, and just manner, as well as the principles of the rule of law, legislative function, budget function and supervisory function, regarding the procedures for the formation of laws, the authority of the Regional Representative Council, equality before the law, guarantees of protection and legal certainty, state control over branches of production that affect the livelihoods of many people, and the principle of the national economy of the 1945 Constitution
Verdict	:	**On the Preliminary Injunction:** To dismiss Petitioner III's preliminary injunction **On the Merits:** 1. To declare that the petition of Petitioner I and Petitioner II is inadmissible 2. To dismiss Petitioner III's petition entirely
Date of Decision	:	Wednesday, September 17, 2025
Overview of Decision	:	

Whereas Petitioner I is Lembaga Konsultasi Bantuan Hukum Mahasiswa Islam (LKBHMI or Islamic Student Legal Consultation and Aid Institute), West Jakarta Branch, represented by the Executive Director and Finance Director, Petitioner II is an Indonesian Foundation Legal Entity named the Citta Loka Taru Foundation (Lokataru Foundation), and Petitioner III is an individual Indonesian

citizen, registered as a shareholder in a state-owned enterprise (BUMN) company, namely PT Wijaya Karya (Persero) Tbk. Petitioner I, Petitioner II, and Petitioner III argue that they have constitutional rights as regulated by Article 1 paragraph (2) and paragraph (3), Article 20A paragraph (1), Article 22A, Article 22D paragraph (2) and paragraph (3), Article 23 paragraph (1), paragraph (2), and paragraph (3), Article 27 paragraph (1), Article 28C paragraph (1) and paragraph (2), Article 28D paragraph (1), Article 33 paragraph (2), paragraph (3), paragraph (4), and paragraph (5) of the 1945 Constitution;

Regarding the Court's authority, since the Petitioners' petition is a formal review of law, *in casu* Law 1/2025 against the 1945 Constitution, the Court has the authority to hear the petition *a quo*.

Regarding the deadline for submitting formal petitions, since Law 1/2025 was enacted on February 24, 2025, as stated in State Gazette of 2025 Number 25, Supplement to the State Gazette Number 7097, the latest deadline for submitting petitions is April 9, 2025. The Petitioners' petition was received by the Court on April 9, 2025, as evidenced by Deed of Petitioners' Petition Submission Number 59/PUU/PAN.MK/AP3/04/2025. Thus, the Petitioners' petition was submitted within the deadline for submitting a petition for formal review of the law.

Regarding the Petitioners' legal standing, Petitioner I explains its legal standing as the Islamic Student Legal Consultation and Aid Institute, West Jakarta Branch, represented by the Executive Director and the Finance Director. Petitioner I considers that it has a moral responsibility and a constitutional interest in the legislative process for Law 1/2025.

Whereas Petitioner II is an Indonesian Foundation Legal Entity named the Citta Loka Taru Foundation (Lokataru Foundation). In Petitioner II's opinion, the research results that it conducted prove that Petitioner II plays an active role in conducting research, advocacy, and publication of public issues, and also those related to public policy, so that it has relevance to the legislative process of Law 1/2025.

Petitioner III qualifies himself as an individual Indonesian citizen, registered as a shareholder in a BUMN company, namely PT Wijaya Karya (Persero) Tbk., with a total share of 13,300, as evidenced by the Client Portfolio issued by the securities company, namely PT Ajaib Sekuritas Asia dated April 30, 2025. In Petitioner III's opinion, the issuance of Law 1/2025 on February 24, 2025 caused a decline in the share prices of companies listed on the Indonesia Stock Exchange, including the shares owned by Petitioner III.

Whereas the Court is of the view that the legal standing of Petitioner I, represented by Rizki Hidayat and Yoga Prawira Suhut, respectively as Executive Director and Finance Director of the LKBHMI, West Jakarta Branch, is not explained and described further in its Articles of Association/Bylaws as to whether the Executive Director and Finance Director at the branch level have the legal standing to represent Petitioner I's organization in submitting the petition. Since Petitioner I is a body under the Central Executive Board of the Islamic Students Association (PB HMI), it is appropriate that the persons authorized to submit the review of the Law *a quo* are the General Chairperson and the Secretary General of PB HMI, as the parent organization. Thus, the Court is of the view that Petitioner I does not have the legal standing to submit the petition *a quo*.

Whereas after carefully examining the Petitioners' evidence, the Court finds that Petitioner II is not a public legal entity as argued, but rather a private legal entity in the form of a foundation whose purpose of establishment is oriented towards the social, humanitarian, and religious sectors, as stated in the deed of establishment before a notary dated April 6, 2017. In addition, Petitioner II is not a business entity whose capital is wholly or mainly owned by the state through direct participation, so Petitioner II is not directly affected by the enactment of Law 1/2025. This means that Petitioner II is unable to explain and prove the alleged specific constitutional loss, either actual or potential, due to the enactment of Law 1/2025, and its association with Law 1/2025 being petitioned for review. Thus, Petitioner II does not have the legal standing to submit the petition *a quo*.

Whereas in the Court's opinion, Petitioner III considers himself to have been prejudiced as a shareholder of PT WIKA due to the existence of an agency assigned to manage BUMN companies, which has an impact on the decline of the shares in question due to Law 1/2025. This means that Petitioner III has clearly explained and demonstrated the alleged specific constitutional loss, whether actual or at least potential, resulting from the enactment of Law 1/2025. Thus, Petitioner III is able to describe the direct relevance and causal relationship due to the enactment of Law 1/2025, which is being petitioned for review, so that Petitioner III has the legal standing to submit the petition *a quo*.

Whereas, it is evident that Petitioner I and Petitioner II do not have the legal standing to submit the petition *a quo*. Meanwhile, Petitioner III (hereinafter, the Petitioner) has the legal standing to submit the petition *a quo*.

Whereas in the preliminary injunction, the Petitioners petition the Court to declare a postponement of the validity or implementation of Law 1/2025 until Constitutional Court issues a Final Decision on the Subject Matter of the Petition *a quo*, because, in the Petitioner's opinion, there are essentially the provisions of the norms in Law 1/2025 which stipulate that the implementing regulations of Law 1/2025 shall be issued no later than 6 (six) months from the promulgation of the Law *a quo*. Regarding the Petitioner's preliminary injunction, the Court needs to emphasize that judicial review is not adversarial in nature and does not constitute an *interpartes* case or a dispute of interests between parties, but rather a review of the validity of a law of a general nature that applies to all citizens. Therefore, the preliminary injunction *a quo* must be considered separately and on a case-by-case basis to the extent that it is relevant and urgent to do so. However, after carefully examining the petition *a quo*, the Court finds that, in addition to no specific reason that requires postponing the enactment of Law 1/2025, the reasons for the preliminary injunction submitted by the Petitioner are more closely related to the contents of Law 1/2025 so that they are not appropriate to be used as the reasons for the preliminary injunction in the formal review. Moreover, the Court has also provided a short time limit (speedy trial) for deciding formal review cases. Therefore, the Petitioner's preliminary injunction is legally unjustifiable.

Whereas in the subject matter of the petition, the Petitioner argues that the formation of Law 1/2025 is very fast, not transparent, does not fulfill meaningful public participation, and does not comply with the principles in the formation of laws, namely the principle of clarity of purpose, the principle of suitability between type, hierarchy and contents, the principle of clarity of formulation, and the principle of openness. In addition, in the Petitioner's opinion, the legislative process of Law 1/2025 does not comply with the procedures and violates the constitutional mandate due to not involving the Regional Representative Council and the Audit Board of the Republic of Indonesia.

The Petitioner petitions the Court to declare that Law 1/2025 does not fulfill the provisions for the formation of laws under the 1945 Constitution and is contrary to the 1945 Constitution, and therefore it has no binding legal force.

Whereas regarding the Petitioner's argument challenging the failure to fulfill the principle of openness and meaningful public participation, given the Petitioner cannot gain access to documents related to the legislative process of the Bill (RUU) Amending BUMN, the Court considers that the lawmakers have demonstrated efforts to realize meaningful participation, namely by providing access to the public and also listening to input from people or groups who are familiar with the problems in the field and are directly affected by the contents of the Bill Amending the BUMN Law, namely directors or representatives of BUMN companies, including listening to input from several academics and experts who focus on BUMN companies. In addition, the lawmakers have made the Bill and NA (Academic Papers) available on the official website of the House of Representatives, namely puuekkukesra.dpr.go.id, specifically in the menu of the Public Participation in Drafting Laws (*Partisipasi Masyarakat Dalam Perancangan Undang-Undang* or SIMAS PUU). Through this page, the House of Representatives also opens public access to submit input by completing a questionnaire. Furthermore, deliberation meetings have also been broadcast live on the YouTube channel for public viewing. Such public access, whether or not the public submits input, has sufficiently demonstrated

that the amendment process to the BUMN Law has fulfilled the principles of participation and openness. Even if there is input from the public but the input is not included as material in Law 1/2025, this does not negate the meaning of participation and openness, on the basis that the decision of whether to use or not use the input in Law 1/2025 is within the lawmakers' authority, while the needs and correlation of the input with the material contained in Law 1/2025 should still be considered. However, as a realization of the principles of a democratic state, the Court continues to encourage lawmakers to always and consistently listen to and prioritize input from the public (stakeholders) in the future, as a substantive consideration related to the material of a law, while ensuring that the law being drafted is in accordance with the expectations and needs of the public.

Whereas regarding the Petitioner's argument challenging a closed-door deliberation meeting on Bill 1/2025 in the House of Representatives with academics, the Court needs to cite Article 229 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) as lastly amended by Law Number 13 of 2019 concerning the Third Amendment to Law 17/2014, which stipulates that all meetings in the House of Representatives are open, unless declared closed. Furthermore, under Regulation of the House of Representatives of the Republic of Indonesia Number 1 of 2020 concerning Rules of Procedure (Rules of Procedure of the House of Representatives of the Republic of Indonesia 1/2020) as amended by Regulation of the House of Representatives of the Republic of Indonesia Number 1 of 2025 concerning Amendment to Rules of Procedure of the House of Representatives of the Republic of Indonesia 1/2020, Article 276 paragraph (1) regulates closed meetings, namely that every the House of Representatives meeting is open, unless declared closed. Pursuant to these provisions, if the chair of the meeting, by mutual agreement between the House of Representatives and the Government as lawmakers, states that the meeting is held behind closed doors, the meeting may be declared confidential. Thus, all discussions and decisions are confidential and must not be announced or conveyed to any party or the public. Meanwhile, if the meeting is held behind closed doors but its contents are not declared confidential, the discussion may be made public through meeting notes, either in full or in part. However, the Court understands that the Petitioner had limited access because several meetings were held in closed session. In the Court's opinion, this matter should be evaluated by lawmakers to be more selective in determining which meetings can be held behind closed doors and to communicate the reasons why the meeting needs to be held behind closed doors. Moreover, the evaluation should assess the design of the rules of procedure for meetings, prioritizing open meetings to the greatest extent possible and thereby fulfilling the principle of openness in the formation of laws. Pursuant to all these considerations, in the Court's opinion, the formation of Law 1/2025 has fulfilled the principles of openness and meaningful public participation. Thus, the Petitioner's argument challenging the fulfillment of the principles of openness and meaningful participation in the formation of Law 1/2025 is legally unjustifiable.

Whereas the Petitioner's following argument is to challenge the formation of Law 1/2025, which, in the Petitioner's opinion, took place very quickly. Regarding this argument, considering the parties' statements, the evidence and documents submitted, as well as the legal facts revealed in the hearing, the Court understands that, although the process of drafting Law 1/2025 includes inter-period membership of the House of Representatives, there has been an agreement between the House of Representatives and the President as the lawmakers to continue the legislative process of Law 1/2025, which had begun in the previous period of the House of Representatives, without going back to the planning stage. The agreement to continue the legislative process of Law 1/2025 can be understood as the lawmakers' effort to maintain legal political continuity between presidential terms and the House of Representatives membership period, while also avoiding budget inefficiencies resulting from the law-drafting process not being completed due to changes in the House of Representatives membership period. Regarding the speed or slowness of the completion and deliberation of a law, the Court needs to cite again the legal considerations in Paragraph **[3.27]** of Constitutional Court Decision Number 25/PUU-XX/2022, pronounced in the Constitutional Court's plenary session open to the public on July 20, 2022, stating that where the entire process in the planning, drafting, deliberation, ratification, and promulgation stages have been fulfilled and completed, the speed or slowness of the

completion time of a law should be seen as part of the lawmakers' efforts to complete the law as well as possible. Thus, the Petitioner's argument that the formation of Law 1/2025 is very fast is legally unjustifiable.

Whereas the Petitioner further argues that the formation of Law 1/2025 is not in accordance with the principles in the formation of laws, namely the principle of clarity of purpose, the principle of suitability between type, hierarchy, and contents, the principle of clarity of formulation, and the principle of openness. Regarding the Petitioner's argument, in the Court's opinion, the Petitioner challenges the contradictions and conflicts in certain articles of Law 1/2025. In addition, the Petitioner challenges the formulation of the articles in Law 1/2025, which regulates the management of state finances invested in BUMN. In the Court's opinion, this argument relates to substantial matters regarding the articles in Law 1/2025. Therefore, such an argument is more relevant to use in a petition for material review. As for the Petitioner's argument regarding the principle of openness, which, according to the Petitioner, has been violated in the formation of Law 1/2025, the Court has considered it in its previous consideration. Thus, the Petitioner's argument *a quo* lacks merit.

Whereas regarding the Petitioner's argument that the legislative process of Law 1/2025 is not in accordance with procedures and violates the constitutional mandate because it does not involve the Regional Representative Council and the Audit Board of the Republic of Indonesia, in the Court's opinion, Law 1/2025 is the third amendment to Law Number 19 of 2003 concerning State-Owned Enterprises, which is intended to optimize BUMN management. This management can be understood as a strategic managerial function aimed at optimizing BUMN performance. Without intending to examine the substance of Law 1/2025, if read carefully, Law 1/2025 contains provisions regulating BUMN governance, which include, among other things, the organizational structure of BUMN, mergers and supervision of BUMN, and management of BUMN assets. Thus, the contents of the Bill *a quo* are not related to the authority of the Regional Representative Council as referred to in Article 22D paragraph (2) of the 1945 Constitution. The contents of Law 1/2025 differ from those of Bills, which are more suitable for involving the Regional Representative Council, such as the Bill on Regional Governments, the Bill on the Protection of Indigenous Communities, and the Bill on Island Regions.

Whereas regarding institution of the Audit Board of the Republic of Indonesia, under the provisions of Article 23E paragraph (1) of the 1945 Constitution, the Audit Board of the Republic of Indonesia is the institution authorized to audit state financial management. Thus, the Audit Board of the Republic of Indonesia's functions and duties are implemented in relation to state financial management carried out by ministries/institutions that use state finances. The Audit Board of the Republic of Indonesia has the authority to ensure that state finances are used in an orderly manner, in accordance with laws and regulations, efficiently, economically, effectively, and transparently, while taking into account a sense of justice and propriety. In the context of Law 1/2025, the role of the Audit Board of the Republic of Indonesia is to be implemented after it is ratified by the lawmakers, namely, during the implementation phase of Law 1/2025, to the extent that state finances are used. Meanwhile, before Law 1/2025 was passed and was still in the bill-drafting stage, this matter was under the legislative institution's authority. Even if the Audit Board of the Republic of Indonesia were invited and involved in the legislative process of laws, it would be the authority of the legislative institution to consider the urgency of involving other institutions, *in casu* the Audit Board of the Republic of Indonesia, in the legislative process of laws. This is regulated in Article 68 paragraph (6) of Law Number 12 of 2011 concerning the Formation of Laws and Regulations (Law 12/2011), which in essence regulates that, in level I deliberation, the heads of state institutions or other institutions may be invited if the material of a bill relates to the state institutions or other institutions. The use of the phrase "may" indicate that the involvement of state institutions or other institutions is not obligatory but rather optional for the lawmakers. Thus, the Petitioner's argument that the legislative process of Law 1/2025 is not in accordance with the procedures and violates the constitutional mandate because it does not involve the Regional Representative Council and the Audit Board of the Republic of Indonesia, is legally unjustifiable.

Whereas pursuant to the legal considerations, in its verdict, the Court dismisses Petitioner III's preliminary injunction, declares that the petition of Petitioner I and Petitioner II is inadmissible, and dismisses Petitioner III's petition entirely.

Dissenting Opinions

Against the Court's decision, 4 (four) constitutional justices, namely Constitutional Justice Suhartoyo, Constitutional Justice Saldi Isra, Constitutional Justice Enny Nurbaningsih, and Constitutional Justice Arsul Sani have dissenting opinions as follows:

1. Dissenting opinion of Constitutional Justice Suhartoyo

Regarding the House of Representatives' and the government's opinion that the drafting of the BUMN Bill had been carried out by the previous period of the House of Representatives, I am of the opinion that, after examining the draft of the BUMN Bill as of May 2021 that is available in the Public Participation in Drafting Laws (*Partisipasi Masyarakat Dalam Perancangan Undang-Undang* or SIMAS PUU), the draft essentially has substantial differences from Law 1/2025. The current (2024-2029) period of the House of Representatives should have disseminated the BUMN Bill documents, academic papers, and other supporting documents through its official channels, as the BUMN Bill was included in the 2025-2029 Medium-Term National Legislation Program. Thus, the planning and drafting stages carried out in the previous government period have not necessarily indicated the fulfillment of the principles of openness and meaningful public participation, given the current period's lawmakers have not demonstrated efforts to disseminate information on the BUMN Bill documents, academic papers, and other supporting documents, along with the progress of the deliberations, to facilitate the affected community to provide input and fulfill the three prerequisites for meaningful public participation with the basis of the fulfillment of the community's right to be heard, to have one's opinions considered, or to receive explanations or answers.

Whereas the government, in its statement, explained that the amendment to the BUMN Law was driven by the national urgency of establishing the BPI Danantara and the need to follow up on Constitutional Court Decision Number 77/PUU-IX/2011, Constitutional Court Decision Number 48/PUU-XI/2013, and Constitutional Court Decision Number 12/PUU-XVI/2018. However, this cannot be used as an excuse not to optimize the principles of good formation of laws, particularly the principles of openness and meaningful public participation. The principle of openness is part of the principles of good formation of laws, intended to ensure that communities with interests and those directly affected can obtain information and/or provide input at every stage of the formation of laws and regulations.

Pursuant to the description above, it is evident that the legislative process of Law 1/2025 is not in line with the principles in the procedures of the good formation of laws and regulations as mandated in Law Number 12 of 2011 concerning the Formation of Laws and Regulations as lastly amended by Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Laws and Regulations, which is the embodiment of the mandate of Article 22A of the 1945 Constitution. One principle that is not fulfilled is the principle of openness, intended to allow public access to information and to provide input at every stage of the formation of laws. In this regard, Constitutional Court Decision Number 91/PUU-XVIII/2020 states that "... if at least one stage or one standard is not fulfilled out of all the existing stages or standards, then the law can be considered formally defective in its formation." Thus, the failure to uphold the principles of openness and meaningful public participation renders the legislative process of Law 1/2025 formally defective.

Whereas regarding the legislative process of Law 1/2025, although I conclude that some stages have not been fulfilled and the Law *a quo* should be declared formally defective, however, after observing the development of state administration practices, where Law 1/2025 also contains several

provisions regarding institutional governance, I am of the view that, if it is declared entirely unconstitutional, regardless of whether or not the norms of the Law *a quo* are materially unconstitutional, this will give rise to legal uncertainty that cannot be resolved simply by enforcing the old BUMN Law. In addition, the Court's decisions with conditionally constitutional interpretation have been widely applied, including Constitutional Court Decisions Numbers 110-111-112-113/PUU-VII/2009 and Constitutional Court Decision Number 49/PUU-VIII/2010. Therefore, on the one hand, I choose not to justify the formal defect in the legislative process of Law 1/2025, so that improvements must still be made to the Law *a quo*. On the other hand, Law 1/2025, which has been in force, cannot be immediately declared invalid. Moreover, the Constitutional Court, in Decision Number 91/PUU-XVIII/2020, declares that the legislative process of the Job Creation Law is formally defective and conditionally unconstitutional, but the law in question remains in effect during the revision process, let alone laws that are declared conditionally constitutional.

Considering that pursuant to the description of the legal considerations above, I am of the opinion that the Petitioners' petition should be granted in part and the Court should declare that the formation of Law 1/2025 is conditionally not contrary to the 1945 Constitution (conditionally constitutional) to the extent that improvements are made within a maximum of 2 (two) years from the time the decision on this case is pronounced, by fulfilling the principles of openness and meaningful public participation as an improvement in the formation of the Law *a quo*.

2. Dissenting Opinion of Constitutional Justice Saldi Isra

Whereas if Decision of the House of Representatives of the Republic of Indonesia Number: 64/DPR RI/I/2024-2025 concerning the 2025-2029 National Legislation Program for Bills and the 2025 National Legislation Program for Priority Bills is scrutinized, the Bill Amending the BUMN Law is not listed in the 2025 Priority National Legislation Program or in the Open Cumulative Bills (Attachment II of the Decision of the House of Representatives *a quo*). In this case, the Bill Amending the BUMN Law is listed in the 2025-2029 National Legislation Program, number 107. In addition, the Decision of the House of Representatives does not contain any information stating that the Bill Amending the BUMN Law is a carry-over bill. Referring to Article 110 paragraph (1) of Regulation of the House of Representatives Number 2 of 2020, regarding the mechanism, a carry-over bill may be proposed if it has begun Level I deliberation and has a List of Issues (DIM) from the previous House of Representatives membership period. The Bill amending the BUMN Law does not meet these requirements. Therefore, the argument that the Bill amending the BUMN Law is a carry-over bill, despite not being stated in Decree of the House of Representatives establishing the 2025-2029 National Legislation Program, cannot be proven sufficiently and convincingly. In other words, it can be said or assessed that the legislative process of Law 1/2025 at the planning stage has a particular problem.

Whereas considering the statements from the government and the House of Representatives, as well as the facts presented in the hearing, meetings for the deliberation on the Bill amending the BUMN Law were held 4 (four) times, namely on January 23, 2025, January 30, 2025, January 31, 2025, and February 1, 2025. To avoid prejudgment and prejudiced attitudes that lead to the conclusion that the frequency of meetings is so low as to be impossible to produce a legislative product, this matter needs to be measured, taking into account the number and difficulty of the contents that become the subject of deliberation. Because it is possible that deliberative meetings of a legislative product are held quickly with a low frequency if the contents to be regulated are also easy and few.

Whereas without intending to examine the contents of Law 1/2025, by reading Law 1/2025, we know that many new contents are inserted as changes to the BUMN Law. When comparing the bill draft prepared by the House of Representatives in 2020 with the bill draft that was finalized and became Law 1/2025, there are fundamental differences in the number of norms amended and added, as well as in the new contents to be inserted. One of them is the arrangement of new contents inserted

between Chapter IB and Chapter II, namely Chapter IC entitled “Investment Management Agency”. In other words, these added contents were included only in the draft of the 2024-2025 Bill and were not included in the agenda when drafting the amendment to the BUMN Law during the 2019-2024 membership period of the House of Representatives.

Whereas regarding the contents that are so much, within the limits of reasonable reasoning, it is not easy to have a political agreement and complete the deliberation in just 4 (four) meetings. Not to mention, if the element of implementing the principle of meaningful participation is added as a measuring tool to check the extent of the deliberation of the bill *a quo* amending the BUMN Law, considering the active participation of the community in providing input, and how this input is considered in the deliberative meetings. In addition, there are complaints from the public about the difficulty of accessing accurate, up-to-date documents to follow the deliberation’s progress. In fact, the deliberative process involving public participation is an essential factor that lawmakers must consider. The purpose is, among other things, to avoid, as much as possible, the deliberation process being carried out in secret, full of secret lobbying, and decisions made under a bargaining process for the sake of group political interests (influence peddling).

Whereas by taking into account all the considerations above, I am of the opinion that the legislative process of Law 1/2025 contains formal defects. The petitioner’s argument that the legislative process of Law 1/2025, particularly during the deliberation stage, does not fulfill the principle of meaningful participation and violates the principle of openness, is legally justifiable. In this case, as the guardian of the constitution and also the guardian of citizens’ constitutional rights to citizen participation in the legislative process of laws, the Court should grant the petitioner’s petition in part by declaring that the legislative process of Law 1/2025 is contrary to the 1945 Constitution. Therefore, lawmakers must improve the legislative process of Law 1/2025 and provide opportunities for meaningful public participation in the improvement process in question. For this reason, it should be required that the process deemed formally defective be improved within a maximum period of 2 (two) years. Given the period available to make the necessary improvements, the Petitioners’ petition *a quo* must be declared legally justifiable in part.

3. Dissenting Opinion of Constitutional Justice Enny Nurbaningsih

Whereas the BUMN Bill cannot be categorized as a “carry-over” Bill, or a Bill continued for deliberation between membership periods of the House of Representatives. This is because Level I deliberation on the BUMN Bill only began on January 23, 2025, namely during the 2024–2029 term of office of the House of Representatives membership. Thus, the BUMN Bill does not fulfill the provisions of Article 71A of Law Number 15 of 2019 concerning Amendment to Law Number 12 of 2011 concerning the Formation of Laws and Regulations (Law 15/2019). These provisions indicate that the status of “carry over” may only be given to Bills that have begun the DIM deliberation during the previous membership period of the House of Representatives. In this case, the DIM deliberation is an integral part of the Level I deliberation process, as provided in Article 68 paragraph (1) of Law 12/2011, which includes the agenda for delivering an introduction to the deliberation, the DIM deliberation, and the delivery of mini opinions. This means that, even though the DIM has been prepared previously, to the extent that it has not been deliberated in the official forum of Level I deliberation between the House of Representatives and the Government, the Bill in question cannot be categorized as a Bill that has begun the deliberation stage in a formal sense, as referred to in Article 71A of Law 15/2019. The DIM preparation at the pre-deliberation stage is intended primarily as part of technocratic preparations, including the perfection of academic papers and/or Bill drafts, rather than as part of Level I Deliberation.

Whereas, in addition to not being able to be categorized as a “carry over” Bill, the BUMN Bill also cannot be included in the Open Cumulative List (DKT). Regarding the House of Representatives’ view that the BUMN Bill was not included in the 2025 priority list because it was actually a DKT, this was essentially due to internal administrative matters that limited each commission in the House of Representatives to only one or two Bill proposals. When associated with Article 23 paragraph (1) letter

b of Law 12/2011, it is indeed true that Bills included in the DKT are those resulting from Constitutional Court Decisions.

The Constitutional Court Decisions referred to in the House of Representatives' and President's Statements as the basis for the claim that the BUMN Bill is a follow-up to Court Decisions, including: 1) Constitutional Court Decision Number 77/PUU-IX/2011 concerning the judicial review of Law Number 49 Government Regulation in Lieu of Law (Prp.) of 1960 concerning Committee for State Receivables Affairs, in which the Court essentially declares that BUMN receivables are not state receivables; 2) Constitutional Court Decision Number 48/PUU-XI/2013 concerning the judicial review of Article 2 letter g and letter i of Law Number 17 of 2003 concerning State Finance, in which the Court essentially declares that BHMN-PT assets are still considered state assets; as well as several decisions in which the Court dismisses the petition with various considerations, including: a) Constitutional Court Decision Number 62/PUU-XI/2013 concerning the judicial review of Article 2 letter g and letter i and Article 6 paragraph (1), Article 9 paragraph (1) letter b, and Article 11 letter a of the State Finance Law; b) Constitutional Court Decision Number 12/PUU-XVI/2018 concerning the judicial review of Article 14 paragraph (2) and paragraph (3) of Law 19/2003; c) Constitutional Court Decision Number 14/PUU-XVI/2018 concerning the judicial review of Article 2 paragraph (1) letter a and letter b and Article 4 paragraph (4) of Law 19/2003; and d) Constitutional Court Decision Number 61/PUU-XVIII/2020 concerning judicial review of Article 77 letter c and letter d of Law 19/2003.

If examined closely, the substance of the BUMN Bill has expanded beyond the legal issues decided by the Constitutional Courts in these cases. Even in some of the decisions referred to, the Court dismisses the petition and does not consider certain norms as the *ratio decidendi*. Therefore, if they are used as a basis for including the BUMN Bill as part of the DKT, then it is "not purely" a DKT, so that the BUMN Bill remains part of the Bill that must be included in the medium-term National Legislation Program (long list) and also priority Bills equipped with academic papers and bill draft. In relation to the 2025 Priority Bills, the BUMN Bill should still be included in the 2025 Priority Bills because it does not meet the requirement as a "carry-over" Bill to fulfill the planning-stage procedures or mechanisms for the formation of laws.

Whereas the series of processes or procedures above shows that the BUMN Bill actually began Level I Deliberation only on January 23, 2025, and that the decision was taken in the Level II Deliberation Plenary Meeting on February 4, 2025. Given the limited time and the many contents that have changed from Law 19/2003, within the limits of reasonable reasoning, well-organized time management is required to absorb the aspirations of the various interests of the parties affected by the regulation. In this context, several activities have been carried out by the House of Representatives and the government involving experts in the planning and drafting process of the BUMN Bill. Regarding the activities that have been carried out, if they are associated with the stages of the legislative process of laws, which include planning, drafting, deliberation, ratification or adoption, and promulgation, then the discussion stage is very crucial because it will determine what contents will ultimately be regulated. Therefore, at the Level I Deliberation stage, public aspiration absorption activities must still be carried out. In this case, the input provided at the planning and drafting stages, before the Level I Deliberation, can be considered.

However, because the legislative process of laws is a series of stages, all of these stages must follow the processes, procedures, or mechanisms stipulated in Law 12/2011 and its amendments, including the rules of procedure within the scope of, or internal to, lawmakers. Due to unclear processes or procedures, issues have arisen regarding public participation in the legislative process of the BUMN Law, as stipulated in Chapter XI of Law 12/2011 and its amendments. In this regard, activities carried out by the Government before Level I Deliberation began cannot be formally claimed as implementing public participation at the stage of deliberating the Bill. During deliberations on the Bill at Level I, dynamics may occur, expanding needs that will change the initial draft of the BUMN Bill. Even though on January 30, 2025, a public hearing (RDPU) was held with experts and academics, however, on February 1, 2025, a Working Meeting of Commission VI of the House of Representatives of the Republic of Indonesia was held with the Government to discuss the Working Committee Report

on the results of the deliberation of the Bill *a quo*, the mini faction's final opinion, the President's final opinion, and the level I decision-making. This means that, in the short period of time for deliberating the Bill, there is no space for the public or affected or concerned parties to provide input and get response on the input so that at least it fulfills the meaningful participation, which has been confirmed in the Preamble letter b of Law 13/2022 and the General Elucidation of Law 13/2022 in accordance with Constitutional Court Decision Number 91/PUU-XVIII/2020, which essentially require strengthening meaningful community involvement and participation that is carried out in an orderly and responsible manner by fulfilling three prerequisites; namely, first, the right to have one's opinion heard (right to be heard); second, the right to have one's opinion considered (right to be considered); and third, the right to receive explanations or answers to the provided opinion (right to be explained). The unavailability of adequate space for public participation during the Level I Deliberation period from January 23, 2025 to February 3, 2025 and the difficulty of accessing the BUMN Bill draft have caused no guarantee of the fulfillment of public rights as intended by meaningful participation guaranteed by Article 28F of the 1945 Constitution. Moreover, on February 4, 2025, a Level II Deliberation was held during the House of Representatives Plenary Meeting, which approved the amendment to Law 19/2003 by Law 1/2025.

It is in this context that the Petitioner challenges the Regional Representative Council's involvement, which is unclear despite its mention in the National Legislation Program. In this regard, the House of Representatives stated that, "regarding the Regional Representative Council of the Republic of Indonesia's authority in the formation of Law 1/2025, the House of Representatives of the Republic of Indonesia informs that the contents of Law 1/2025 are not directly related to regional autonomy, central and regional relations, the formation, expansion, and merger of regions, and the management of natural resources and other economic resources, as well as the balance of central and regional finances. One of the legal bases for the formation of Law 1/2025 is Article 33 of the 1945 Constitution, which grants the state the right to control branches of production that are essential for the state and affect the livelihoods of many people. The state's control is used to achieve the greatest prosperity for the people throughout Indonesia. "The involvement of the Regional Representative Council of the Republic of Indonesia in the legislative process of laws is more appropriate in terms of regulations regarding regional government-owned enterprises in the law concerning regional governments and village-owned enterprises in the law concerning villages." The problem arises when the 2025-2029 National Legislation Program was determined under Decision of the House of Representatives of the Republic of Indonesia Number: 64/DPR RI/I/2024-2025, the House of Representatives /Regional Representative Council is mentioned as the institution that prepares the academic papers and draft of the BUMN Bill. However, at Level I Deliberation, the Regional Representative Council was no longer present because the House of Representatives was represented by Commission VI of the House of Representatives of the Republic of Indonesia. In this regard, there is no further explanation regarding the Regional Representative Council's non-involvement. Referring to Article 22D of the 1945 Constitution, it is emphasized that the Regional Representative Council participates in deliberating bills related to regional autonomy, central and regional relations, the formation, expansion, and merger of regions, and the management of natural resources and other economic resources, as well as the balance of central and regional finances; and provides consideration to the House of Representatives on bills on the state budget and bills related to taxes, education, and religion.

Considering these constitutional provisions, if the substance of Law 1/2025 is deemed not to be directly related to the Regional Representative Council's authority as referred to in Article 22D paragraph (2) of the 1945 Constitution, then, from the outset, the Regional Representative Council should not have been listed as a proposing institution in the 2025–2029 National Legislation Program. On the other hand, if the Regional Representative Council has been mentioned as an institution that prepares the academic papers and bill drafts, then the continuity of this role should be guaranteed and explained throughout the deliberation process, including in Level I Deliberation. Thus, the Regional Representative Council of the Republic of Indonesia's non-involvement in the legislative process of

Law 1/2025, without any official explanation, raises questions about transparency and accountability in its formation.

Pursuant to the description above, the procedures have not been fully fulfilled in the amendment process to the BUMN Law, both in terms of meaningful public participation and the consistency of the roles of the institutions involved in the planning and deliberation stages. On the other hand, it also needs to be emphasized that an amendment to the BUMN Law is indeed necessary to, among other things, be in line with several previous Constitutional Court Decisions which have provided constitutional interpretation regarding the legal status of BUMN assets, state financial relations, and the legal characteristics of BUMN within the framework of Article 33 of the 1945 Constitution. Taking into account the substance of these regulations that is important, while emphasizing the importance of compliance with the procedures for the formation of laws and regulations, these procedures need to be improved within 2 (two) years from the date this decision is pronounced. Thus, in my opinion, Law 1/2025 is conditionally constitutional to the extent that the improvements are made.

4. Dissenting Opinion of Constitutional Justice Arsul Sani

Considering the Court's Decision *a quo*, I, Constitutional Justice Arsul Sani, have a dissenting opinion regarding Petitioner III's legal standing, which is explained in full as follows.

Regarding constitutional loss in petitions for formal review of laws, the Court has affirmed its stance in several Court Decisions. In this regard, I refer to several recent Court Decisions that are intertwined with each other regarding formal review of Law Number 3 of 2025 concerning Amendment to Law Number 34 of 2004 concerning the Indonesian National Armed Forces, namely Court Decisions: Number 55/PUU-XXIII/2025, Number 55/PUU-XXIII/2025, Number 58/PUU-XXIII/2025, Number 66/PUU-XXIII/2025, Number 74/PUU-XXIII/2025, Number 79/PUU-XXIII/2025, and Number 83/PUU-XXIII/2025. If the legal considerations of these Court's decisions are applied to the petition *a quo*, then, regarding Petitioner III's legal standing, I am of the opinion that Petitioner III should not be given legal standing, similar to Petitioner I and Petitioner II. Because, as can be read from the Petitioners' petition and from the evidence presented at the hearing, Petitioner III has not clearly explained the relevance between Petitioner III and the legislative process of Law 1/2025 in the form of real efforts that Petitioner III has made in relation to and during the legislative process of Law 1/2025.

In this case, Petitioner III does not prove that he has expressed opinions, objections, or been involved in particular activities related to the legislative process before the ratification and promulgation of Law 1/2025. Considering the Petitioners' petition, the description regarding Petitioner III's legal standing only explains the losses experienced by Petitioner III as a shareholder in WIKA due to the decline in WIKA's share price that occurred since the ratification and promulgation of Law 1/2025 which, according to Petitioner III, was formed without going through a participatory legislative process of laws by not opening up space for meaningful public participation. Thus, I am of the view that Petitioner III has not proven the association and causal relationship (*causal verband*) between the loss resulting from the decline in WIKA's share price and the legislative process in question.

Whereas, pursuant to the matters described above, Petitioner III should not be given legal standing to submit the petition *a quo*, similar to the Court's legal considerations regarding the other Petitioners. Therefore, the Court should decide that the petition *a quo* is inadmissible.