



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 69/PUU-XXIII/2025**

Concerning

**Formal Review of Law Number 3 of 2025 concerning Amendment to
Law Number 34 of 2004 concerning Indonesian National Armed Forces**

- Petitioners** : Moch. Rasyid Gumilar, et al.
- Type of Case** : Formal review of Law Number 3 of 2025 concerning the Amendment to Law Number 34 of 2004 concerning the Indonesian National Armed Forces (Law 3/2025) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
- Subject Matter** : The formation of Law 3/2025 violates the constitutional right to obtain information, participate in the formation of state policy, obtain a decent work and livelihood, and enjoy fair legal certainty as regulated in Article 22A, Article 27 paragraph (2), Article 28C paragraph (2), Article 28D paragraph (1), Article 28D paragraph (3), and Article 28F of the 1945 Constitution of the Republic of Indonesia
- Verdict** : To declare the Petitioners' petition inadmissible
- Date of Decision** : September 17, 2025
- Overview of Decision** :

Whereas Petitioner I, Petitioner II, Petitioner III, Petitioner IV, and Petitioner V (hereinafter referred to as the Petitioners) are individual Indonesian citizens as proven by their respective Resident Identity Cards (*Kartu Tanda Penduduk* or KTP). The Petitioners, as students at the Faculty of Law, Universitas Padjadjaran, explain that they have constitutional rights to obtain information, participate in the formation of state policy, obtain a decent work and livelihood, and enjoy fair legal certainty as regulated in Article 22A, Article 27 paragraph (2), Article 28C paragraph (2), Article 28D paragraph (1), Article 28D paragraph (3), and Article 28F of the 1945 Constitution of the Republic of Indonesia. According to the Petitioners, they are concerned about the process of forming Law 3/2025 and have participated in various actions held in Bandung and Jakarta as a form of protest and support for the drafting of Law 3/2025. The Petitioners also expressed their views in various public forums as well as through the social media platforms they manage.

With respect to the deadline for submitting a petition for formal review, the Petitioners' petition was submitted within the deadline for submitting petition for formal review of law.

With respect to the legal standing of the Petitioners, Petitioner I, Petitioner II, Petitioner III, Petitioner IV, and Petitioner V (hereinafter referred to as the Petitioners) describe their legal standing as individual Indonesian citizens as proven by their respective Resident Identity Cards. The Petitioners are also students at the Faculty of Law, Universitas Padjadjaran. They explain that they have constitutional rights to obtain information, participate in the formation of state policy, obtain a decent work and livelihood, and enjoy fair legal certainty as regulated in Article 22A, Article 27 paragraph (2), Article 28C paragraph (2), Article 28D paragraph (1), Article 28D paragraph (3), and Article 28F of the 1945 Constitution of the Republic of Indonesia. According to the Petitioners, they are concerned about the process of forming Law 3/2025 and have participated in various actions held in Bandung and Jakarta as a form of protest and support for the drafting of Law 3/2025. The Petitioners also expressed their views in various public forums as well as through the social media platforms they manage.

Whereas before further considering the legal standing of the Petitioners, the Court first emphasizes that although several petitions for the formal review of Law 3/2025 were submitted and were identical to the petition *a quo*, some of these petitions did not proceed to evidentiary hearings (plenary sessions) with an evidentiary agenda and were decided inadmissible because the petitioners lacked legal standing. Meanwhile, with respect to the petition that proceeded to the evidentiary hearings (plenary sessions), *in casu* the petition *a quo*, it cannot be determined from the outset whether the Petitioners have legal standing, because it remains possible for legal standing to be established only after further study and examination during the plenary session with an evidentiary agenda. This is because, when the Court decided to continue examining the case *a quo* in the plenary session, there were still issues requiring further investigation concerning the fulfillment of the Petitioners' legal standing requirements. These matters can only be clearly known and confirmed whether the Petitioners do or do not have legal standing, after the evidentiary hearings are completed. In other words, the fact that a petition has proceeded to evidentiary hearings (plenary sessions) with an evidentiary agenda does not automatically confirm or guarantee the Petitioners' legal standing, as the Court may still investigate and reassess the Petitioners' legal standing and determine whether the petition satisfies the legal standing requirements.

Whereas in this regard, although the petition *a quo* reached the evidentiary hearings, including hearings of witness and expert statements presented by the Petitioners, the substance of those statements never concretely described the alleged direct, actual, or potential impairment of the Petitioners' constitutional rights. In addition, no evidence or legal facts presented at the hearings showed that the Petitioners had ever actively followed or monitored the formation process of Law 3/2025 from the outset, such as, among other things, expressing an official position regarding the deliberation of the Bill *a quo*. In general, the evidence submitted by the Petitioners consisted only of personal identification, administrative documents, and screenshots from news articles or social media. Other documents, such as minutes of House of Representatives meetings or House of Representatives decisions concerning the list of National Legislation Program (*Prolegnas*), were merely informative and did not demonstrate any loss suffered by the Petitioners. Likewise, the evidence in the form of an invitation to a hearing dated March 18, 2025, was proven not to have been addressed to the Petitioners. Meanwhile, with respect to the evidence concerning the Petitioners' activities as students, after the Court carefully examined such evidence, it was found that it did not demonstrate the Petitioners' direct involvement or actual participation in the process of forming Law 3/2025. Moreover, the evidence submitted, consisting of social media screenshots of a demonstration in front of the parliament building, could not be verified as being related to the formation process of Law 3/2025, nor could it be confirmed whether the individuals shown in the screenshots were the Petitioners or other persons. Pursuant to this matter, the Petitioners failed to convince the Court that there was any direct connection between them and the process of forming the Law *a quo*. Therefore, the Court is of the opinion that the evidence presented bears no

relevance to the alleged loss of constitutional rights argued by the Petitioners in establishing their legal standing, and that the Petitioners have not demonstrated a causal relationship (*causal verband*) between the alleged violation of their constitutional rights and the formation of Law 3/2025, which is being petitioned through formal review in the petition *a quo*. Thus, after a series of hearings examining evidence and legal facts, the Court ultimately found no basis to doubt its conclusion in re-evaluating and declaring that the Petitioners do not have legal standing to submit the petition *a quo*.

Whereas although the Court has the authority to hear the petition *a quo* and the petition was submitted within the period to submit petition for formal review, however, because the Petitioners do not have the legal standing to submit the petition *a quo*, the Court does not need to further consider the subject matter of the petition.

Whereas pursuant to such legal consideration, the Court is of the opinion that the Petitioners do not have legal standing to submit the petition *a quo*.

Accordingly, the Court subsequently passes down a decision which verdict states that the Petitioners' petition is inadmissible.

Dissenting Opinion

With respect to the Decision of the Court, 2 (two) constitutional justices, Constitutional Justice Suhartoyo and Constitutional Justice Saldi Isra, express a dissenting opinion, as follows:

Whereas the existence of any direct link between the students and the process of forming Law 3/2025 may be assessed from the presence or absence of evidence showing the Petitioners' active involvement in their capacity as students and members of the public who monitored the legislative process. Accordingly, in assessing the Petitioners' legal standing in this case, it is necessary to evaluate their active participation in the formation of Law 3/2025 that would demonstrate a direct connection to the legislative process.

Whereas the Petitioners, from the earliest stages of the formation of the Indonesian National Armed Forces Law until after its enactment, were entirely unable to obtain access to the Bill that was discussed and later jointly approved by the House of Representatives and the Government. Moreover, as members of civil society, the Petitioners were not involved in the formation process of the Indonesian National Armed Forces Law, which potentially disregarded their constitutional right to access information, as guaranteed by Article 28F of the 1945 Constitution, which provides that every person has the right to communicate and obtain information for the development of their personal and social environment. Pursuant to the empirical facts presented, the Law *a quo* expands the duties and authority of the Indonesian National Armed Forces to include functions in the civilian sphere, including the possibility of holding civilian positions. In our view, this creates a connection to the interests of the Petitioners as described above.

Whereas pursuant to the description of the legal considerations above, with respect to Petitioners I to Petitioner V, because they have been able to explain the basis for assuming a violation of their constitutional rights as individual Indonesian citizens who are currently students actively engaged in various critical activities, including daily learning on how to draft proper legislation to uphold the supremacy of law, and participating in activities to convey aspirations regarding the formation of Law 3/2025. The Petitioners also experienced difficulties in accessing materials to study the Law *a quo*, which has the potential to undermine their constitutional right to obtain information as guaranteed by Article 28F of the 1945 Constitution of the Republic of Indonesia. In addition, the Petitioners have demonstrated a causal relationship (*causal verband*) between the formation of Law 3/2025 and their legal interests as university students, particularly in relation to the process of

forming the said law. Therefore, as Indonesian citizens who are students, the Petitioners have a specific, actual, or at least potential assumption of loss. Moreover, the alleged loss of constitutional rights *a quo* arises from their involvement in expressing aspirations related to the formation of Law 3/2025 and from their status as Indonesian citizens as referred to in Article 51 paragraph (1) letter a of the Constitutional Court Law, who were not provided with adequate access to participate actively in the process of forming Law 3/2025.

In light of the legal considerations outlined above, we are of the opinion that the Court should declare that the Petitioners have legal standing and may act as Petitioners (hereinafter referred to as the Petitioners) in submitting the petition *a quo*, and that the Court should proceed to examine the subject matter questioned in the Petitioners' petition.