



**CONSTITUTIONAL COURT  
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION  
FOR CASE NUMBER 10/PUU-XXII/2024**

**Concerning**

**Territorial Boundaries of Bontang City**

- Petitioners** : **Basri Rase, et al.**
- Type of Case** : Judicial review of Law Number 47 of 1999 concerning the Establishment of Nunukan Regency, Malinau Regency, West Kutai Regency, East Kutai Regency, and Bontang City, as amended by Law Number 7 of 2000 concerning Amendment to Law Number 47 of 1999 concerning the Establishment of Nunukan Regency, Malinau Regency, West Kutai Regency, East Kutai Regency, and Bontang City (Law 47/1999) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
- Subject Matter** : The Elucidation of Article 2, Article 7, Article 10 paragraph (4) letter c, Article 10 paragraph (5) letter d, and Appendix 5 (in the form of a map) of Law 47/1999, which regulate the territorial boundaries of Bontang City, in the Petitioner's opinion, have violated the Petitioner's constitutional rights due to the differences in the norms regulating the territorial boundaries, and the territorial boundaries stipulated in the Law are different from the historical conditions of the territorial boundaries of Bontang City. In the Petitioner's opinion, this renders the norms in question contrary to Article 28D paragraph (1) of the 1945 Constitution
- Verdict** : To dismiss the Petitioner's petition entirely
- Date of Decision** : Wednesday, September 17, 2025
- Overview of Decision** :

Whereas the Petitioner is the Mayor and Speaker of the Bontang City DPRD (Regional Legislative Council), the Petitioner claims himself as the Regional Government of Bontang City.

Whereas before further considering the Petitioner's petition *a quo*, the Court has passed down Interim Decision Number 10-PS/PUU-XXII/2024, pronounced in a Plenary session of the Constitutional Court open to the public on May 14, 2025. In the Interim Decision, the Court has considered the Court's Authority and the Petitioner's Legal Standing. Regarding the Court's Authority, in the legal considerations of the Interim Decision in question, the Court essentially

states that it has the authority to hear a petition for review of the constitutionality of statutory norms, *in casu* Judicial Review of the Elucidation of Article 2, Article 7, Article 10 paragraph (4) letter c, Article 10 paragraph (5) letter d, and Appendix 5 of Law Number 47 of 1999 concerning the Establishment of Nunukan Regency, Malinau Regency, West Kutai Regency, East Kutai Regency, and Bontang City, as amended by Law Number 7 of 2000 concerning Amendment to Law Number 47 of 1999 concerning the Establishment of Nunukan Regency, Malinau Regency, West Kutai Regency, East Kutai Regency, and Bontang City (State Gazette of the Republic of Indonesia of 1999 Number 175, Supplement to the State Gazette Number 3896, hereinafter referred to as Law 47/1999) against the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution). As for the section on the Petitioner's Legal Standing, the Court, in the Interim Decision in question, essentially holds that the Petitioner has the legal standing to submit the petition *a quo*.

The Petitioner claims himself as the Regional Government of Bontang City whose constitutional rights have been violated by the Elucidation of Article 2, Article 7, Article 10 paragraph (4) letter c, Article 10 paragraph (5) letter d, and Appendix 5 (in the form of a map) of Law 47/1999 because the scope and territorial boundaries of Bontang City regulated in Law 47/1999, particularly the norms *a quo*, are clearly different or not in accordance with the laws and regulations that were formed as the preparation for the formation of Law 47/1999, namely Government Regulation (PP) 20/1989 and Regional Regulation (Perda) 17/1999. This difference has resulted in Bontang City currently consisting of 2 (two) districts only, namely North Bontang District and South Bontang District. Meanwhile, Sekambing Village is not included in South Bontang District, the western boundary does not reflect the actual conditions, and Sidrap Hamlet is included as part of Sangatta District, East Kutai Regency.

Regarding such issues, the Court requests information and/or hears the statements of the DPR, President, East Kalimantan Provincial Government, the Government of East Kalimantan Province, the Government of East Kutai Regency, and the Government of Kutai Kartanegara Regency. After hearing the statements of the parties and examining the evidence and facts in the hearing, the Court passed down an Interim Decision on May 14, 2025, which in essence ordered that mediation be conducted between the Regional Government of Bontang City and the Regional Government of East Kutai Regency as well as the Regional Government of Kutai Kartanegara Regency, facilitated by the Government of East Kalimantan Province and supervised by the Ministry of Home Affairs.

The parties have conducted mediation in several stages, but no agreement has been reached, particularly between the Regional Government of Bontang City and the Regional Government of East Kutai Regency. In this regard, the Government of Bontang City continues to propose that Sidrap Hamlet become part of the Bontang City administrative area, while the Government of East Kutai Regency rejects the Government of Bontang City's proposal and continues to treat Sidrap Hamlet as the East Kutai Regency administrative area.

After comprehensively considering various matters related to the issues that the Petitioner petitions for a constitutional review, including the level of difficulty in determining territorial boundaries, both geographically and sociologically, as well as the qualifications for conducting the research or study in question, the Court finds that this is because the current paradigm of regional governments in Indonesia is no longer solely driven by the management size of administrative areas only, but has also shifted to efforts to achieve quality public services to be provided to their citizens/residents.

Whereas the Court is of the view that, if an assessment, re-determination and/or change to a territorial boundary are necessary, then, in the Court's opinion, the Central Government and its subordinate bodies are institutions that possess the resources and ability/competence to carry

out the tasks in question. Therefore, regarding the formulation of territorial boundaries in the norms and map attachment of Law 47/1999, as well as the drawing of boundary lines referring to coordinate points, which were then outlined in Minister of Home Affairs Regulation (*Permendagri*) 25/2005, the Court limits itself to not amending or determining the territorial boundaries in the two statutory regulations, because the Court does not have the resources to absorb the aspirations of local residents and does not have the technical ability/competence to determine precise coordinate points.

Regarding the indications that the norms in Law 47/1999 are different from historical facts and/or the initial plan of territorial expansion, and are also distinct from the map attached to Law 47/1999 as well as the implementing *Permendagri* that regulates the coordinate points of regional boundaries as argued by the Petitioner, in the Court's opinion, lawmakers are the appropriate parties to review the substance of Law 47/1999. Therefore, to resolve the regional planning issues that, in the Petitioner's opinion, remain problematic, lawmakers need to immediately conduct a comprehensive review of the regulations governing the territorial boundaries challenged in the petition *a quo*.

Accordingly, the Court subsequently passes down a decision in which the verdict is to dismiss the Petitioner's petition entirely.