



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 141/PUU-XXIII/2025**

Concerning

Hierarchical Manual Recapitulation

Petitioners	: Almizan Ulfa, et al.
Type of Case	: Judicial review of Law Number 7 of 2017 concerning General Elections (Law 7/2017) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	: Judicial review Article 393 paragraph (2), Article 397 paragraph (1), Article 398 paragraph (2), Article 402 paragraph (2), and Article 405 paragraph (2) of Law 7/2017 against the Fourth Paragraph of the Preamble to the 1945 Constitution, Article 22E paragraph (1), Article 23 paragraph (1), Article 27 paragraph (3), and Article 28D paragraph (3) of the 1945 Constitution
Verdict	: To dismiss the Petitioners' petition entirely
Date of Decision	: Monday, September 29, 2025
Overview of Decision	:

The Petitioners are individual Indonesian citizens who have the right to vote and the right to be elected, both in General Elections and Regional Head Elections and consider themselves prejudiced by the enactment of Article 393 paragraph (2), Article 397 paragraph (1), Article 398 paragraph (2), Article 402 paragraph (2), and Article 405 paragraph (2) of Law 7/2017 since it does not provide the Petitioners' with the constitutional rights to obtain protection, welfare, and justice from the state, the right to have honest elections, the right to receive benefits and justice from state finances for state spending, the right to receive equal treatment in government, and the right to advance oneself.

Regarding the Court's authority, since the Petitioners' petition is a review of the constitutionality of statutory norms, *in casu* Law 7/2017 against the 1945 Constitution, the Court has the authority to hear the Petitioners' petition.

Regarding the Petitioners' legal standing, in essence, it is argued that the Petitioners, who have the right to vote and be elected in General Elections and Regional Head Elections and have constitutional rights as guaranteed in the Fourth Paragraph of the Preamble to the 1945 Constitution, Article 22E paragraph (1), Article 23 paragraph (1), Article 27 paragraph (3), and Article 28D paragraph (3) of the 1945 Constitution, consider that their constitutional rights have been violated due to the enactment of the norms of Article 393 paragraph (2), Article 397 paragraph (1), Article 398 paragraph

(2), Article 402 paragraph (2), and Article 405 paragraph (2) of Law 7/2017. The Petitioners argue that the norms of articles *a quo*, which regulate hierarchical manual recapitulation activities, are not enlightening, are merely a form of camouflage and ineffective, and may lead to election fraud and rigging that are structured, systematic, and massive (TSM). Thus, the holding of elections using hierarchical manual recapitulation may result in candidates for state office who act fraudulently, lack the capacity and integrity to serve as state officials, and defeat candidates supported by the Petitioners. If the Petitioners' petition is granted, the alleged constitutional loss experienced by the Petitioners will no longer occur. Thus, regardless of whether the unconstitutionality of the norms being petitioned for review is proven or not, the Court is of the opinion that the Petitioners have the legal standing to act as Petitioners in the petition *a quo*.

Whereas, since the petition *a quo* is evident, the Court is of the view that there is no urgency and relevance in hearing the statements of the parties as referred to in Article 54 of the Constitutional Court Law.

Whereas, in essence, the Petitioners argue that the norms of Article 393 paragraph (2), Article 397 paragraph (1), Article 398 paragraph (2), Article 402 paragraph (2), and Article 405 paragraph (2) of Law 7/2017, in the Petitioners' opinion, are contrary to the Fourth Paragraph of the Preamble to the 1945 Constitution, Article 22E paragraph (1), Article 23 paragraph (1), Article 27 paragraph (3), and Article 28D paragraph (3) of the 1945 Constitution. Regarding the Petitioners' argument, the Court, in principle, considers the following.

Whereas regarding the constitutionality issue argued by the Petitioners, the norms of Article 393 paragraph (2), Article 397 paragraph (1), Article 398 paragraph (2), and Article 402 paragraph (2) of Law 7/2017, which regulate the recapitulation of the vote count results of election participants at each level before election participant witnesses and the election supervisory committee, must be understood comprehensively as a single arrangement for the implementation of election vote count. The process of recapitulating vote-counting results includes preparation, implementation, and the resolution of objections. From a normative perspective, the recapitulation must be carried out openly and transparently since the recapitulation meeting is attended by election participant witnesses and the election supervisory committee, thereby guaranteeing the principles of openness and accountability. The presence of election participant witnesses and the election supervisory committee in the recapitulation process, as provided in the norms *a quo*, plays important roles, not only an active involvement of parties interested in the vote acquisition, but also a supervisory instrument aimed at maintaining the purity of voters' votes and reducing the possibility of violations, fraudulent acts, and errors in the recapitulation of the vote count at district level. Therefore, if complaints and/or objections regarding alleged violations, fraudulent acts, and errors in the process of recapitulation of the vote count results are submitted, the election supervisory committee is obliged to convey the complaints and/or objections in question.

Follow-up action must be taken immediately to resolve issues that arise during recapitulation at each level, preventing them from persisting and carrying over to the next level. However, if some issues still cannot be resolved, election organizers and election participant witnesses present there will not sign the recapitulation minutes and are obliged to write the reasons for their objections. Written objections in the minutes may become evidence and the basis for evaluation of alleged violations, fraudulent acts, and errors in the recapitulation process, and even for correction of the recapitulation process at the next stage. Thus, the norms *a quo* are part of the provisions on the recapitulation of the vote count of election participants at each level and provide guarantee that the counting process of election participants' votes at each level is conducted under the principles of transparency, accountability, openness, and legal certainty, attended by parties with an interest in the implementation of elections, not only election participant witnesses and the election supervisory committee but the public, police officers, and the media to cover the recapitulation process of vote count.

Furthermore, regarding the recapitulation of the vote counts of election participants at each level, the Petitioners argue that it can be carried out using the Sirekap application. PKPU (*Penundaan*

Kewajiban Pembayaran Utang or Postponement of Debt Payment Obligations) 5/2024 regulates the use of Sirekap as a means to publish results and as a tool in the process of recapitulating election vote-counting results. This is in line with Constitutional Court Decision Number 2/PHPU.PRES-XXII/2024 that confirms that Sirekap is used as a tool to match the data listed in the Copy of Model C-Results Form in the ballot box with the data listed in Sirekap, which contains a photo of the TPS (*Tempat Pemungutan Suara* or Polling Station) Copy of Model C-Results Form. In this regard, in the process of examination and review of the data of election results, if there is a difference between the data in the Copy of Model C-Result Form and the data in Sirekap, given the function of Sirekap “as a tool”, the data used as the basis for the recapitulation of the vote count at district level is the data contained in the Copy of Model C-Result Form, as part of the voting minutes and certificate of voting results at the TPS.

In addition, systematically, the norms of the articles being petitioned for review regulate the duties of election organizers in the recapitulation of election participants’ vote counts and constitute part of the norms that govern the recapitulation process at each level. Therefore, the norm *a quo* must be understood as a complete set of regulations in the process of recapitulation. With this systematic approach, regarding the Petitioners’ argument that the norm of Article 393 paragraph (2) of Law 7/2017 is contrary to the 1945 Constitution and has no binding legal force, the Court is of the view that, eliminating the norm of Article 393 paragraph (2) of Law 7/2017, which regulates the duties of the PPK in carrying out the recapitulation of the vote count results, will actually eliminate the “spirit” of the norm of Article 393 of Law 7/2017 as a whole. Moreover, the provisions of Article 393 paragraph (2), Article 397 paragraph (1), Article 398 paragraph (2), and Article 402 paragraph (2) of Law 7/2017 require that the process of recapitulation of the vote obtained by election participants at each level be attended by election participant witnesses and the election supervisory committee, as well as providing an opportunity for the public. Accordingly, the Court is of the opinion that this mechanism is one of the efforts to realize the implementation of elections with integrity. Moreover, hierarchical manual recapitulation can still be combined with Sirekap to realize elections with integrity.

Regarding the constitutionality issue of the norms of Article 393 paragraph (2), Article 397 paragraph (1), Article 398 paragraph (2), and Article 402 paragraph (2) of Law 7/2017 as argued by the Petitioners, in this regard, the Court needs to correlate this to the principles of elections as stated in Article 22E paragraph (1) of the 1945 Constitution, which states that, among other things, elections are carried out honestly and justly. Regarding the principles in question, the norms of Article 393 paragraph (2), Article 397 paragraph (1), Article 398 paragraph (2), and Article 402 paragraph (2) of Law 7/2017 constitute a mechanism created by the lawmakers and used by election organizers as the basis to ensure that election participant witnesses and the election supervisory committee attend the process of recapitulation of the vote count results of election participants. However, regarding the possibility that fraudulent acts occur, such as fraud and rigging that are structured, systematic, and massive (TSM), as argued by the Petitioners, Law 7/2017 clearly provides a solution in the form of a way out that can be taken when violations allegedly happen in the process of recapitulation of the vote count results that could prejudice to certain parties. In this regard, Law 7/2017 provides a mechanism for the restoration of violated rights in accordance with the legal principle *lex semper dabit remedium*. This principle is concretely implemented by allowing the Petitioners’ concerns to be addressed through legal steps or efforts, including by submitting objections to election organizers. Furthermore, if the prejudiced are not satisfied with all legal efforts made by the election organizers, for the purpose of fulfilling the principle *lex semper dabit remedium*, under the provisions of Article 24C paragraph (1) of the 1945 Constitution, they may submit a petition regarding election result disputes to the Court on the basis of the fraud that allegedly happens in the recapitulation of vote. In fact, for the reason of realizing elections with integrity, under the mandate of Article 22E paragraph (1) of the 1945 Constitution, not only may the Court decide on result disputes, but also assess all matters that occur in the stages of implementation before the General Election Commission of the Republic of Indonesia (Komisi Pemilihan Umum or KPU) establishes the vote results. Thus, the norms requiring hierarchical manual recapitulation must be understood and interpreted as an integral part of efforts to strengthen the election monitoring system and ensure the upholding of the principles of honest and just elections,

ultimately leading to the implementation of elections with integrity. In this context, the Court needs to emphasize that the possibility for non-manual or electronic recapitulation, including Sirekap or other names, must be placed as part of efforts to increase the integrity of manual recapitulation. However, non-manual or electronic recapitulation is not without its drawbacks. In fact, within certain limits, non-manual or electronic recapitulation is very likely to be more vulnerable than manual recapitulation. This means that, up until now, the Court still believes that hierarchical manual recapitulation, assisted by non-manual or electronic recapitulation, provides greater security than relying solely on non-manual or electronic recapitulation. Pursuant to the legal considerations above, the Petitioners' argument that the norms of Article 393 paragraph (2), Article 397 paragraph (1), Article 398 paragraph (2), and Article 402 paragraph (2) are contrary to the 1945 Constitution is legally unjustifiable.

Whereas the Petitioners further argue that the norm of Article 405 paragraph (2) of Law 7/2017 is contrary to the Petitioners' rights guaranteed under the constitution. Upon careful examination by the Court, the constitutionality issue raised by the Petitioners is, in essence, an objection to the duties and authority of the General Election Commission of the Republic of Indonesia (KPU RI) with respect to the hierarchical manual recapitulation of vote-counting results nationwide. Since the Petitioners' argument that the Court must declare that the hierarchical manual recapitulation is contrary to the 1945 Constitution and has no binding legal force, has been declared legally unjustifiable, then within the limits of reasonable reasoning, the argument wishing that the norm of Article 405 paragraph (2) of Law 7/2017 is declared contrary to the 1945 Constitution, due to no relevance for further consideration, must also be declared legally unjustifiable.

Thus, the Court subsequently passes down a decision in which the verdict is to dismiss the Petitioners' petition entirely.