



**CONSTITUTIONAL COURT  
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION  
FOR CASE NUMBER 158/PUU-XXIII/2025**

**Concerning**

**Division of Authority for Government Affairs in the Education Sector**

<b>Petitioner</b>	: <b>Robby Sopyan</b>
<b>Type of Case</b>	: Judicial review of Law Number 23 of 2014 concerning Regional Government (Law 23/2014) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
<b>Subject Matter</b>	: Judicial review of Article 15 paragraphs (1) and (2) along with Appendix Letter A in the Sub-Affairs of Education Management, Sub-Affairs of Educators and Education Personnel, and Sub-Affairs of Education Licensing of Law 23/2014 against Article 28B paragraph (2), Article 28C paragraph (1), and paragraph (2), Article 28D paragraph (1), paragraph (2), paragraph (3), and paragraph (4), and Article 31 paragraph (1), paragraph (2), paragraph (3), paragraph (4), and paragraph (5) of the 1945 Constitution
<b>Verdict</b>	: To dismiss the Petitioner's petition entirely
<b>Date of Decision</b>	: Thursday, October 16, 2025
<b>Overview of Decision</b>	:

The Petitioner is an Individual Indonesian citizen, working as a Mathematics Subject Teacher at SMAN 2 Karawang, Karawang Regency, West Java Provincial Education Office. The Petitioner feels that his constitutional rights have been violated, as the article *a quo* potentially opens the door to inefficient bureaucratic practices prone to corruption, collusion, and nepotism, and hinders the quality of National Education.

Regarding the Court's authority, since the petition *a quo* is a review of the constitutionality of statutory norms, *in casu* Article 15 paragraph (1), and paragraph (2), along with Appendix Letter A in the Sub-Affairs of Education Management, Sub-Affairs of Educators and Education Personnel, and Sub-Affairs of Education Licensing of Law 23/2014 against the 1945 Constitution, the Court has the authority to hear the petition *a quo*.

Regarding the Petitioner's legal standing, the Court finds that the Petitioner has clearly explained the causal relationship (*causal-verband*) between the alleged loss of constitutional rights guaranteed by the 1945 Constitution and the enactment of the statutory norms being petitioned for review. The Petitioner's alleged constitutional loss is specific and actually occurs due to the enactment

of the norms of Article 15 paragraph (1), and paragraph (2), along with Appendix Letter A in the Sub-Affairs of Education Management, Sub-Affairs of Educators and Education Personnel, and Sub-Affairs of Education Licensing of Law 23/2014, which require the Petitioner to prepare and report Performance Targets every semester at the Ministry of Primary and Secondary Education (*Kementerian Pendidikan Dasar dan Menengah* or Kemendikdasmen) as well as the regional government through their respective platforms. In addition, some performance reports are submitted to the regional government daily. This has become an obstacle for the Petitioner and other teachers in focusing on teaching and learning activities. Therefore, if the petition *a quo* is granted, the alleged constitutional loss suffered by the Petitioner will no longer occur. Thus, regardless of whether the unconstitutionality of the norms being petitioned for review by the Petitioner is proven or not, the Court is of the opinion that the Petitioner has the legal standing to act as a Petitioner in the petition *a quo* for review.

Whereas, since the petition *a quo* is evident, the Court is of the opinion 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 relation to the provisions of the norms of Article 15 paragraph (1), and paragraph (2) of Law 23/2014 which the Petitioner challenges, after the Court examines them, the Article *a quo* refers to Appendix Letter A which constitutes an inseparable part regarding the Division of Government Affairs in the Education Sector into the Sub-Affairs of Education Management, Sub-Affairs of Educators and Education Personnel, and Sub-Affairs of Education Licensing. Therefore, the explanation of legal arguments regarding the constitutionality of the norms of the Article *a quo* cannot be separated from the examination of the constitutionality of Appendix Letter A in question. Thus, the Court's legal considerations in examining the constitutionality of the norms of Article 15 paragraph (1), and paragraph (2) of Law 23/2014 will be carried out together with the legal considerations of the constitutionality of Appendix Letter A in question.

Whereas, regarding Appendix Letter A of Law 23/2014, the Court has considered this in Constitutional Court Decision Number 30/PUU-XIV/2016. In the Decision in question, the Court has emphasized that the government affairs in the education sector are categorized as concurrent government affairs, as also regulated in Article 9 paragraph (3), and paragraph (4) of Law 23/2014, which states that.

- “(3) Concurrent government affairs as referred to in paragraph (1) are government affairs divided between the Central Government and the provincial Regional Governments and regency/municipal Regional Governments.
- (4) Concurrent government affairs delegated to the Regional Governments serve as the basis for the implementation of Regional Autonomy.”

Whereas concurrent government affairs under the authority of the regional governments consist of mandatory and optional government affairs. Mandatory government affairs are government affairs that must be carried out by all Regional Governments [*vide* Article 1 point 14 of Law 23/2014]. Mandatory government affairs consist of mandatory government affairs related to Basic Services and mandatory Government Affairs not related to Basic Services [*vide* Article 11 paragraph (1), and paragraph (2) of Law 23/2014]. Meanwhile, the central government's concurrent authority is regulated in Article 16 paragraph (1) of Law 23/2014, which states, “In carrying out concurrent government affairs as referred to in Article 9 paragraph (3), the Central Government has the authority to: a. determine norms, standards, procedures, and criteria in the framework of the implementation of Government Affairs; and b. carry out guidance and supervision of the implementation of Government Affairs, which are the authority of the Regional Governments.” Therefore, concurrent government affairs in the education sector have been regulated in detail in the provisions of Article 15 paragraph (1), along with

Appendix Letter A of Law 23/2014, and the authority has been clearly and firmly divided between the Central Government, provincial Regional Governments, and reGENCY/municipal Regional Governments. Therefore, regarding the criteria whether the authority of a concurrent government affair will be given to a regional government (either a provincial Regional Governments or a reGENCY/municipal Regional Governments) or will remain held by the Central Government, Law 23/2014 provides the principles used as the basis for granting the concurrent authority in question, namely the principles of accountability, efficiency, and externalities, as well as national strategic interests. As for:

- a. "principle of accountability" means that the authority responsible for administering a Government Affair is determined according to its proximity to the scope, magnitude, and reach of the impacts generated by the administration of that Government Affair;
- b. "principle of efficiency" means that the administration of a Government Affair is determined according to the highest possible level of effectiveness that can be achieved;
- c. "principle of externalities" means that the administration of a Government Affair is determined according to the scope, magnitude, and reach of the impacts generated by the administration of that Government Affair;
- d. "principle of national strategic interests" means that the administration of a Government Affair is determined according to considerations aimed at maintaining national unity and integrity, safeguarding state sovereignty, implementing foreign relations, achieving national strategic programs, and other considerations stipulated in laws and regulations.

[*vide* Article 13 paragraph (1) *juncto* Elucidation of Article 13 paragraph (1) of Law 23/2014].

Thus, under the principles as referred to above in Article 13 paragraph (2), paragraph (3), and paragraph (4) of Law 23/2014, the criteria for government affairs which are the authority of the Central Government, the authority of provincial Regional Governments, and the authority of reGENCY/municipal Regional Governments have been determined in the article *a quo*, which in full in reads.

- (2)
  - a. Government Affairs whose location spans across provincial Regional Governments or international boundaries;
  - b. Government Affairs whose users span across provincial Regional Governments or international boundaries;
  - c. Government Affairs whose benefits or negative impacts span across provincial Regional Governments or international boundaries;
  - d. Government Affairs whose resource utilization is more efficient if carried out by the Central Government; and/or
  - e. Government affairs whose role is strategic for national interests,"
- (3)
  - a. Government Affairs whose location spans across reGENCY/municipal Regional Governments;
  - b. Government Affairs whose users span across reGENCY/municipal Regional Governments;
  - c. Government Affairs whose benefits or negative impacts span across reGENCY/municipal Regional Governments; and/or
  - d. Government Affairs whose resource utilization is more efficient if carried out by Provincial Regional Governments,"

- “(4) a. Government Affairs whose location is within reGENCY/municipal Regional Governments;
- b. Government Affairs whose users are within reGENCY/municipal Regional Governments;
- c. Government Affairs whose benefits or negative impacts are only within reGENCY/municipal Regional Governments; and/or
- d. Government Affairs whose resource utilization is more efficient if carried out by reGENCY/municipal Regional Governments.”

Whereas furthermore, regarding the Petitioner’s argument that concurrent government affairs in the education sector are not listed in the Appendix to the law *a quo*, this matter, upon closer examination, has been confirmed in Article 15 paragraph (2), and paragraph (3) of Law 23/2014, which states.

- “(2) Concurrent government affairs that are not listed in the Appendix to this Law are the authority of each government level or structure, the determination of which uses the principles and criteria for the division of concurrent government affairs as referred to in Article 13.”
- (3) Concurrent government affairs as referred to in paragraph (2) are determined by presidential regulations.”

Therefore, with the confirmation from the provision in question, the determination of the division of concurrent government affairs, including, in this case, in the education sector, is still in accordance with or refers to the principles of accountability, efficiency, externalities, and the principle of national strategic interests to be further regulated by presidential regulations.

Whereas, pursuant to the description of legal considerations above, the Court is of the opinion that the division of authority for government affairs in the education sector is part of government concurrent authority, determined under the principles of accountability, efficiency, externality, and the principle of national strategic interests. The criteria for government affairs, their implementation, and the further regulations have been clearly and firmly detailed in the law. If changes, divisions, and the inclusion of government affairs that do not yet exist are carried out, the lawmakers have determined that the regulations must be stipulated in government regulations and presidential regulations, which is the lawmakers’ legal policy. Thus, the Court examines the legal considerations of Constitutional Court Decision Number 31/PUU-XIV/2016, which, in Sub-paragraph **[3.9.5]**, among other things, states:

“Whereas pursuant to the legal considerations above, the Court’s considerations in Constitutional Court Decision Number 30/PUUXIV/2016, dated July 19, 2017 apply in a *mutatis mutandis* manner as the Court’s considerations in this case, so that the Petitioners’ argument stating that the transfer of authority for the management of secondary education affairs to the provincial government that could potentially result in constitutional loss for the Petitioners, namely costs, time and energy, if the reGENCY/municipal government no longer carries out the service, is legally unjustifiable.”

Due to this matter, up to now the Court has not had any reason to shift from its previous stance, namely that the provisions of the norms of Article 15 paragraph (1), and paragraph (2), along with Appendix Letter A in the Sub-Affairs of Education Management, Sub-Affairs of Educators and Education Personnel, and Sub-Affairs of Education Licensing of Law 23/2014 are constitutional, and therefore regarding the review of the unconstitutionality of the same statutory norms submitted by the Petitioner *a quo* must be declared unfounded. Moreover, in the petition *a quo*, the Petitioner petitions the Court to declare that the sub-affairs of education management are entirely under the authority of the central government, except for the management of infrastructure and facilities, while the sub-affairs

of education, educational personnel, and education licensing are entirely under the authority of the central government. This means that the educational authority affirmed by the Court is part of the concurrent authority, the division of which is in accordance with the principles and criteria considered by the Court in the legal considerations above, and the determination of which is within the lawmakers' authority. Thus, the Petitioner's petition, expecting that part of the educational authority be the central government's authority, and accordingly also part of the division of concurrent authority, must also be declared legally unjustifiable.

Whereas pursuant to all the considerations above, it has been proven that the norms of Article 15 paragraph (1), and paragraph (2), along with Appendix Letter A in the Sub-Affairs of Education Management, Sub-Affairs of Educators and Education Personnel, and Sub-Affairs of Education Licensing of Law 23/2014, are not contrary to the right to survival, growth and development, protection from violence and discrimination, the right to develop oneself through basic needs, to receive education and obtain benefits from science and technology, arts and culture, the right to advance oneself, the right to recognition, assurance, protection and fair legal certainty, and equal treatment before the law, and the right to receive education, as guaranteed in Article 28B paragraph (2), Article 28C paragraph (1), and paragraph (2), Article 28D paragraph (1), paragraph (2), paragraph (3), and paragraph (4), Article 31 paragraph (1), paragraph (2), paragraph (3), paragraph (4), and paragraph (5) of the 1945 Constitution, not as argued by the Petitioner. Therefore, the Petitioner's arguments are entirely legally unjustifiable.

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

### **Dissenting Opinion**

Against the Court Decision *a quo*, one Constitutional Justice, namely Constitutional Justice Enny Nurbaningsih, expresses a dissenting opinion as follows:

Upon a whole or comprehensive examination, the substance of the norms of Law 23/2014 (the Regional Government Law) is closely related to basic services, *in casu* education services that provide open space for parties outside a regional government to submit a petition for review of basic services carried out by the regional government if deemed not in accordance with the mandate to improve the welfare of the regional community and provide service facilitation, to the extent that the petition meets the requirements regarding constitutional loss as determined above. Because the Petitioner in the petition *a quo* cannot convincingly demonstrate the existence of actual or at least potential constitutional loss and fails to prove a causal relationship (*causal verband*) between the enactment of norms *a quo* and the loss he experiences, there is no basis to state that the Petitioner fulfills the material requirements regarding legal standing as referred to in Article 51 paragraph (1) of the Constitutional Court Law.

Pursuant to the description of the considerations regarding the legal standing of the Petitioner *a quo*, it is evident that the Petitioner does not fulfill the material requirements cumulatively, so the Court should declare that the Petitioner does not have the legal standing to act as a Petitioner in submitting the petition for review of the norms *a quo*.