



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 159/PUU-XXIII/2025**

Concerning

**The Phrase “Faction” Is Interpreted as “Electoral District”
as the Subject of Mini Opinion Delivery in the Discussion of Bills**

- Petitioners** : **Dian Prahara Batubara and Moch. Jian Niam Al Kamil**
- Type of Case** : Material review 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) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
- Subject Matter** : Article 170 paragraph (4) letter a of Law 17/2014 is contrary to Article 1 paragraph (2) and Article 28E paragraph (3) of the 1945 Constitution
- Verdict** : To dismiss the Petitioners’ petition in its entirety
- Date of Decision** : Thursday, October 16, 2025
- Overview of Decision** :

Petitioner I is an Indonesian citizen who is a student of the Constitutional Law Study Program, Faculty of Sharia and Law, Universitas Islam Negeri Sunan Ampel Surabaya. Petitioner I, who is a resident of the North Sumatra II Electoral District, has exercised his voting rights in the 2024 General Election to elect legislative members from that electoral district. Petitioner II is an Indonesian citizen who is a student of the Constitutional Law Study Program, Faculty of Sharia and Law, Universitas Islam Negeri Sunan Ampel Surabaya. Petitioner II is a resident of Sidoarjo City which is included in the Electoral District of East Java I and has exercised his voting rights in the 2024 General Election to elect legislative members from that electoral district. Petitioner I and Petitioner II believe that their constitutional rights have been violated, both actually and potentially, by the enactment of the norm of Article 170 paragraph (4) letter a of Law 17/2014, which states that views are given during the legislative process at the first level through the views of the faction. This creates legal uncertainty because it takes away the right to express an opinion as regulated in Article 28E paragraph (3) of the 1945 Constitution;

With respect to the Court’s authority, since the Petitioners petition for a review of the constitutionality of statutory norms, *in casu* material examination of Law 17/2014 against the 1945 Constitution, the Court has the authority to hear the petition *a quo*.

With respect to the legal standing of the Petitioners, the Court is of the opinion that Petitioner I and Petitioner II have been able to describe their qualifications as individual

Indonesian citizens who have the assumption of loss of constitutional rights due to the enactment of the statutory norms which is being petitioned for review. The said assumption of loss of constitutional rights is specific and actual or at least potential, which arises due to the enactment of the norm of Article 170 paragraph (4) letter a of Law 17/2014 which is certain to occur. Therefore, the assumption of loss of constitutional rights as described by Petitioner I and Petitioner II has a causal relationship (*causal verband*) with the enactment of the norm of Article 170 paragraph (4) letter a of Law 17/2014 which is being petitioned for review. Therefore, if this petition is granted, the assumption of loss, or the potential loss, of constitutional right as described by Petitioner I and Petitioner II will not or will no longer occur. Thus, regardless of whether or not the assumption of unconstitutionality of the norm being petitioned for review is proven, the Court is of the opinion that Petitioner I and Petitioner II (hereinafter referred to as the Petitioners) have the legal standing to act as Petitioners in the petition *a quo*.

Whereas since the petition *a quo* is clear, the Court is of the opinion that there is no urgency or relevance in hearing the statements of the parties as intended in Article 54 of the Constitutional Court Law.

Whereas, after the Court has carefully examined the Petitioners' arguments along with the evidence submitted, the constitutional issue that must be resolved by the Court is whether the word "faction" in the norm of Article 170 paragraph (4) letter a of Law 17/2014 is contrary to the 1945 Constitution of the Republic of Indonesia if it is not interpreted as "Electoral District Opinion," as a concrete manifestation of the people's mandate to members of the House of Representatives of the Republic of Indonesia within a representative democracy system.

Whereas, systematically, the norm of Article 170 paragraph (4) letter a of Law 17/2014 which is submitted by the Petitioners for review is contained in Part Nine Paragraph 1 concerning the "Implementation of the Authority and Duties" of the House of Representatives in the formation of laws. Constitutionally, with regard to the authority and duties of the House of Representatives, Article 20A paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that "the House of Representatives has legislative functions, budget functions, and supervisory functions." With respect to "legislation" as one of the constitutional functions of the House of Representatives, the provisions of Article 20 paragraph (2) of the 1945 Constitution of the Republic of Indonesia state that "every bill is discussed by the House of Representatives and the President to obtain joint approval." In carrying out the legislative function, Article 168 of Law 17/2014 provides that the discussion of bills is conducted at 2 (two) levels. *First*, level I discussions are conducted in commission meetings, joint commission meetings, legislative body meetings, budget body meetings, or special committee meetings. *Second*, level II discussions are conducted in a plenary session of the House of Representatives. Pursuant to Article 170 paragraph (1) of Law 17/2014, the activities carried out in level I discussions include: a. introduction to the deliberation; b. discussion of the inventory list of problems; and c. delivery of mini opinions. Meanwhile, level II discussions consist of decision-making by the House of Representatives and the government in a plenary session of the House of Representatives, with the following activities:

- a. submission of a report containing the process, mini faction opinions, mini DPD (Regional Representatives Council) opinions, and the results of level I discussions;
- b. a statement of approval or rejection from each faction and each member of the House of Representatives verbally, as requested by the chair of the plenary session; and
- c. the President's final opinion delivered by the assigned minister [*vide* Article 171 paragraph (1) of Law 17/2014].

Whereas if placed within the law formation system (law-making process), constitutionally, *in casu* Article 5 paragraph (1) and Article 20 of the 1945 Constitution of the Republic of Indonesia, the formation of laws constitutes a continuous series of activities consisting of 5 (five) stages, namely: (i) submission of draft laws; (ii) joint discussions between the House of

Representatives and the President, and joint discussions between the House of Representatives, the President, and the Regional Representative Council to the extent that they relate to Article 22D paragraph (1) and paragraph (2) of the 1945 Constitution of the Republic of Indonesia; (iii) joint approval by the House of Representatives and the President; (iv) ratification of draft laws into laws; and (v) promulgation. [*vide* Constitutional Court Decision Number 91/PUU-XVIII/2020, p. 385]. From the series of activities referred to above, the norm of Article 170 paragraph (4) letter a of Law 17/2014, for which the Petitioners submit a petition, is situated at the stage of joint discussion and joint approval. This means that the norm of Article 170 paragraph (4) letter a of Law 17/2014 must be read as part of the law-formation process. In this case, Law Number 12 of 2011 concerning the Formation of Legislation (Law 12/2011), as last amended by Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Formation of Legislation (Law 13/2022), provides that the discussion of bills is conducted at two levels, namely: *First*, level I discussions are conducted in commission meetings, joint commission meetings, legislative body meetings, budget body meetings, or special committee meetings; and *second*, level II discussions are conducted in plenary sessions [*vide* Article 66 and Article 67 of Law 12/2011].

Whereas, when placed in the context of a series of discussions on bills, both under Law 17/2014 and Law 12/2011, commission meetings, joint commission meetings, legislative body meetings, budget body meetings, or special committee meetings constitute the driving force behind the House of Representatives' constitutional function. In contrast to the instruments that drive the House of Representatives' legislative function, an electoral district is a geographical area or a certain administrative region that serves as the basis for determining the number of seats allocated to each area. For example, for the election of members of the House of Representatives, an electoral district consists of a province, a district/city, or a combination of districts/cities [*vide* Article 187 paragraph (1) of Law 7/2017 concerning General Election (Law 7/2017) as last amended by Law 7/2023 concerning Determination of Government Regulation in Lieu of Law Number 1 of 2022 concerning Amendment to Law Number 7 of 2017 concerning General Elections into Law], and the electoral district for the election of members of the provincial Regional Legislative Council consists of a district/city or a combination of districts/cities [*vide* Article 189 paragraph (1) of Law 7/2017]. In this regard, the formation of electoral districts is intended to implement the principles of equal vote value; adherence to a proportional electoral system; proportionality; territorial integrity; being within the same territorial scope; cohesiveness; and continuity [*vide* Article 185 of Law 7/2017] in converting voters' votes into seats for members of representative institutions. Therefore, the configuration of electoral districts constitutes an important aspect in assessing whether the electoral system is able to reflect social, economic, and cultural diversity. Meanwhile, factions in the House of Representatives are groupings of members of the House of Representatives based on the configuration of political parties resulting from the general election [*vide* Article 82 paragraph (1) of Law 17/2014].

Whereas, pursuant to the description above, if placed within the continuity of the formation of laws, *in casu* at the 2 (two) levels of discussion of a bill, interpreting the word "faction" in the norm of Article 170 paragraph (4) letter a of Law 17/2014 as "electoral district" may give rise to a number of questions and, at the same time, such a measure is not a simple issue. For example, such interpretation raises the question of how electoral districts would be organized in delivering "mini opinions" during joint discussions of a bill. This question and issue are relevant because, by applying the logic of electoral districts, the opportunity would have to be given to 84 electoral districts to deliver "mini opinions" in the discussion of a bill, in accordance with the number of electoral districts for the election of members of the House of Representatives. This situation would become even more complicated because members of the House of Representatives from each electoral district do not originate from 1 (one) political party. This means that, in light of such complexity, the interpretation sought by the Petitioners has the potential to cause serious complications in the discussion of a bill.

Whereas, with respect to the Petitioners' concerns that the norm of Article 170 paragraph (4) letter a of Law 17/2014 would weaken political participation of the community in the formation of laws, on the grounds that the norm *a quo* is considered to constitute an obstacle to efforts to fulfill the citizens' constitutional rights within the implementation of the representative system, the Court is able, to a certain extent, to understand the Petitioners' concerns. However, normatively, Article 96 of Law 13/2022 regulates the public's right to participate in the formation of laws and regulations, including in the process of forming the laws. In fact, even prior to the enactment of Article 96 of Law 13/2022, Constitutional Court Decision Number 91/PUU-XVIII/2020, which was pronounced in a plenary session open to the public on November 25, 2021, had emphasized the importance of meaningful public participation in the formation of laws. If, in fact, there remains a distance (gap) between the aspirations of the people in the electoral district and the discussion of bills, interpreting the word "faction" in the norm of Article 170 paragraph (4) letter a of Law 17/2014 as "electoral district" is not appropriate. Apart from disrupting other norms concerning the "Implementation of the House of Representatives' Authority and Duties" as regulated in Section Nine Paragraph 1 of Law 17/2014, the interpretation requested by the Petitioners also has the potential to increase the complexity of the discussion of bills.

Pursuant to the legal considerations above, the Petitioners' argument that the word "faction" in the norm of Article 170 paragraph (4) letter a of Law 17/2014 is contrary to the 1945 Constitution of the Republic of Indonesia if it is not interpreted as "Electoral District Opinion," as a concrete form of the people's mandate to members of the House of Representatives in a representative democracy system, it is legally unjustifiable.

Accordingly, the Court subsequently passed down a decision, the verdict of which was to dismiss the Petitioners' petition in its entirety.