



CONSTITUTIONAL COURT  
OF THE REPUBLIC OF INDONESIA

SUMMARY OF DECISION  
FOR CASE NUMBER 167/PUU-XXIII/2025

Concerning

The Phrase “Approval of the House of Representatives” for the Appointment  
of the Candidate for Chief of National Police of the Republic of Indonesia

<b>Petitioner</b>	: Windu Wijaya
<b>Type of Case</b>	: Judicial Review of Law Number 2 of 2002 concerning National Police of the Republic of Indonesia (Law 2/2002) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
<b>Subject Matter</b>	: Article 11 paragraph (1) of Law 2/2002 is contrary to Article 28D paragraph (1) of the 1945 Constitution
<b>Verdict</b>	: To dismiss the Petitioner’s petition in its entirety
<b>Date of Decision</b>	: Thursday, October 30, 2025
<b>Overview of Decision</b>	:

The Petitioner is an Indonesian citizen who works as an advocate. Whereas according to the Petitioner, the enactment of Article 11 paragraph (1) of Law 2/2002, particularly the phrase “approval of the House of Representatives,” has violated the Petitioner’s constitutional rights, particularly in relation to the right to legal certainty, legal guarantees and healthy democratic participation. In this regard, the Petitioner does not know the legitimate and objective reasons used as the basis for the House of Representatives in granting approval or rejection, thereby leaving room for arbitrary decisions. This condition closes the space for the public, including the Petitioner, to obtain transparency and accountability in the granting of approval for the appointment of strategic public officials, such as the Chief of Police.

With respect to the Court’s authority, because the Petitioner petitions for a review of statutory norm, *in casu* the phrase “the approval of the House of Representatives” in Article 11 paragraph (1) of Law 2/2002 against Article 28D paragraph (1) of the 1945 Constitution, the Court has the authority to hear the petition *a quo*.

With respect to legal standing, the Court is of the opinion that the Petitioner has clearly explained his qualifications as an individual Indonesian citizen who works as an advocate [*vide* Evidence P-1 to Evidence P-3], and who believes that he has suffered a loss, or at least the potential loss, of constitutional rights due to the enactment of the articles or norms of the law that are being petitioned for review. The assumption of loss of constitutional rights is specific and actual, or at least potential in nature, which arising due to the enactment of the phrase “the approval of the House of Representatives” in Article 11 paragraph (1) of Law 2/2002. In this regard, the assumption of loss, or potential loss, of constitutional rights as described by the Petitioner has a causal relationship (*causal verband*) with the enactment of the legal norms that are being petitioned for review, namely in his position as an Advocate,

the Petitioner has the right to a guarantee of legal certainty that the authority of the House of Representatives to provide approval for the appointment of the Chief of Police is carried out for legitimate, accountable, objective reasons and in accordance with the principles of the rule of law. In the absence of any reasons underlying the House of Representatives' assessment or consideration in granting the intended approval, the House of Representatives may grant such approval without objective and accountable grounds, which would have direct implications for the quality of police leadership, *in casu* the Chief of Police. In fact, as a citizen and in his capacity as an advocate, the Petitioner has the right to a guarantee of legal protection and certainty to be led by a Chief of Police who has integrity and is professional, ethical, and responsible. Accordingly, if the petition *a quo* is granted, the assumption of loss of constitutional rights, or the potential of which, as described by Petitioner will not or will no longer occur. Therefore, regardless of whether or not the unconstitutionality of the norm being petitioned for review is proven, the Court is of the opinion that the Petitioner has the legal standing to act as a Petitioner in the petition *a quo*.

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

Whereas although the petition for judicial review of Article 11 paragraph (1) of Law 2/2002 has previously been submitted and decided by the Court, nevertheless, because the basis of review used in the petition *a quo* is different and this petition is also supported by different reasons, the Petitioner's petition *a quo* with respect to Article 11 paragraph (1) of Law 2/2002, regardless of whether it can be substantively proven or not, may formally be resubmitted and is not hindered by the provisions of Article 60 of the Constitutional Court Law and Article 72 of Constitutional Court Regulations 7/2025. Therefore, the Court will then consider the constitutionality issue of the norm of Article 11 paragraph (1) of Law 2/2002 for which this judicial review is petitioned by the Petitioner.

Whereas after the Court carefully examined the arguments set forth in the Petitioner's petition together with the evidence submitted, the constitutional issue that must be resolved by the Court is essentially whether the phrase "approval of the House of Representatives" in the norm of Article 11 paragraph (1) of Law 2/2002 is contrary to the 1945 Constitution of the Republic of Indonesia if it is not interpreted as requiring that the approval of the House of Representatives of the Republic of Indonesia be based on objective, transparent, accountable, and justifiable reasons, which include, among others: the personal integrity of the candidate for Chief of Police; a track record free from violations of law, ethics, and human rights; compliance with asset reporting obligations; fulfillment of professional rank and career level requirements; and neutrality from practical political activities, as requested by the Petitioner in his *petitum*. With respect to the constitutionality issue as argued by the Petitioner, the Court considered as follows.

1. Whereas with regard to the review of the norm of Article 11 paragraph (1) of Law 2/2002 concerning the appointment and dismissal of the Chief of Police by the President with the approval of the House of Representatives, the Court has previously examined and decided upon the norm *a quo* through Constitutional Court Decision Number 22/PUU-XIII/2015. In the said decision, the Court stated, among other things:

**[3.17]** Considering that the Court is of the opinion that one of the President's constitutional authorities is to appoint State ministers [*vide* Article 17 paragraph (2) of the 1945 Constitution]. In addition to these constitutional powers, the President also has the prerogative to appoint other highly strategic positions that have significant implications for the achievement of the nation's goals. Another matter that must also be taken into account in the appointment of state officials who hold strategic roles is the aspect of accountability, which may be ensured by seeking consideration and/or approval from the House of Representatives. The Court is of the opinion that the President's request for approval from the

House of Representatives with respect to the appointment of the Chief of Police and the Commander of the Indonesian National Army, as regulated in Law 2/2002, Law 3/2002, and Law 34/2004, does not constitute a deviation from the presidential system of government, rather, it illustrates that the checks and balances mechanism operates as implied in the 1945 Constitution. In addition, the Court is of the opinion that the process of selecting public officials aims to protect public rights and interests, which can be achieved through a transparent, accountable, and participatory selection procedure. The request for approval is intended to create and realize good governance, so that officials who are elected truly possess integrity, capability, leadership, and acceptability in order to assist the President in administering the Government.

Pursuant to the foregoing legal considerations, the Court is of the opinion that the House of Representatives' approval of the appointment and dismissal of the Chief of Police by the President is not a form of deviation from the presidential system of government, but rather an actualization of accountability which also reflects the implementation of the principles and mechanisms of checks and balances as implied in the 1945 Constitution of the Republic of Indonesia, namely to create and realize good governance. In other words, the approval of the House of Representatives constitutes an institutional control that limits the dominance and role of the President, *in casu*, in the appointment and dismissal of the Chief of Police, such approval does not constitute an attempt to eliminate the President's prerogative rights.

2. Whereas with respect to the quotation of legal considerations set out above, when further related to the Petitioner's petition, the Petitioner states, among others, that the petition *a quo* is not intended to negate Constitutional Court Decision Number 22/PUU-XIII/2015 and is not intended to remove the requirement for approval of the House of Representatives as stipulated in Article 11 paragraph (1) of Law 2/2002, but rather to affirm the existence of the House of Representatives' approval as an instrument of checks and balances and to emphasize the need for a constitutional interpretation of such approval [*vide* Petition p. 60]. In relation to the Petitioner's arguments, the Court is of the opinion that the approval of the House of Representatives as referred to in Article 11 paragraph (1) of Law 2/2002 constitutes a manifestation of the principle of checks and balances in ensuring that the President exercises his authority to appoint and dismiss the Chief of Police in a transparent, accountable, and participatory manner, so as to avoid arbitrary actions by the President. Furthermore, the approval of the House of Representatives also represents a form of political supervision and control exercised by the House of Representatives as a political institution over the President as part of the executive branch. Such supervision functions to monitor policies and the implementation of governmental duties from a political and public accountability perspective of a strategic and political nature, *in casu*, the appointment of high officials (Chief of Police), and also to control the use of authority and the impact of policies exercised by the President within a democratic system. Therefore, the regulatory mechanism concerning such supervision constitutes one of the authorities vested in the House of Representatives as an implementation of its supervisory function within the framework of checks and balances.

In relation to the supervisory regulatory mechanism, the House of Representatives has established rules of procedure which essentially regulate the procedures, mechanisms, and authority of the House of Representatives in carrying out its functions, including supervision, decision-making, and legislative duties, as well as the supervision of state officials. With respect to the regulation governing the granting of House of Representatives approval for the filling of a position, this matter is regulated in Article 226 of Regulations of the House of Representatives Number 1 of 2020 concerning Rules of Procedure (House of Representatives Regulation 1/2020), as last amended by Regulations of the House of Representatives Number 1 of 2025

concerning Amendments to Regulations of the House of Representatives of the Republic of Indonesia Number 1 of 2020 concerning Rules of Procedure, which provides as follows:

- (1) In the event that statutory regulations require the House of Representatives to propose, approve, or provide consideration for candidates to fill a position, the plenary session of the House of Representatives shall assign the Consultative Body to schedule and assign the discussion to the relevant commission.
- (2) The procedures for conducting the discussion as referred to in paragraph (1) shall be determined by the relevant commission, which include:
  - a. administrative review;
  - b. presentation of vision and mission;
  - c. fit and proper test;
  - d. determination of the order of candidates; and/or
  - e. notification to the public through print and electronic media.
- (3) The provisions as referred to in paragraph (2) letter c shall be exempted for the filling of positions which, by law, are determined to require approval only.

Pursuant to these provisions, the regulatory framework governing the approval mechanism of the House of Representatives for the appointment and dismissal of the Chief of Police by the President, as referred to in Article 11 paragraph (1) of Law 2/2002, has essentially been further elaborated in Article 226 of the Rules of Procedure of the House of Representatives Number 1 of 2020, which in practice also involves the Consultative Body and the relevant commissions in relation to the appointment of the candidate official *a quo*, as described above.

Pursuant to the foregoing considerations, although the reasons underlying the petition *a quo* differ from those used in Petition Number 22/PUU-XIII/2015, nevertheless, because the substance of the Petitioner's petition is the same, namely concerning the norm of Article 11 paragraph (1) of Law 2/2002, and the Court does not yet have strong and fundamental legal grounds to depart from its legal considerations set out in Constitutional Court Decision Number 22/PUU-XIII/2015, the legal considerations of the said decision apply *mutatis mutandis* in reviewing the arguments of the petition *a quo*. Furthermore, with respect to the requirements requested by the Petitioner, namely that the approval granted by the House of Representatives for the proposed appointment and dismissal of the candidate for Chief of Police must be based on objective, transparent, accountable, and justifiable reasons, including, among others: the personal integrity of the candidate for Chief of Police; a track record free from violations of law, ethics, and human rights; compliance with asset reporting obligations; fulfillment of professional rank and career level requirements; and neutrality from practical political activities as outlined in the *petitum* of the petition. Therefore, when examined closely, the purpose of the House of Representatives' approval in the appointment and dismissal of the Chief of Police is to ensure that the President, in exercising his prerogative authority, fulfills the principles of transparency, accountability, and participation. Accordingly, the elements or conditions requested by the Petitioner are inherently satisfied by the President at the time of submitting a proposal to obtain approval for the appointment and dismissal of the Chief of Police. This is because a candidate for public office, particularly a candidate for Chief of Police, would not be proposed by the President unless he fulfills the general requirements, in line with the request of the Petitioner. In relation to this matter, although to date the pattern of approval by the House of Representatives is constitutional, from the perspective of checks and balances, the context of the President's proposal of a candidate for Chief of Police should be placed within the framework of strengthening the President's prerogative in order to realize the principles

of accountability and transparency in the Indonesian presidential system, in accordance with the spirit of the 1945 Constitution of the Republic of Indonesia.

Furthermore, in this regard, the Court has also taken the position that the process of selecting public officials may be carried out through transparent, accountable, and participatory selection procedures. The request for approval from the House of Representatives is intended to create and realize good governance, so that officials who are elected truly possess integrity, capability, leadership, and acceptability in order to assist the President in administering the Government [*vide* legal considerations of Constitutional Court Decision Number 22/PUU-XIII/2015, p. 74]. Thus, without interpreting the norm of Article 11 paragraph (1) of Law 2/2002 by adding the phrase “conditions” as requested by the Petitioner, in relation to this matter, such conditions are in fact automatically fulfilled as essential prerequisites by the President before the candidate for Chief of Police is submitted to the House of Representatives for approval.

Pursuant to all the legal considerations set out above, it is evident that the norm of Article 11 paragraph (1) of Law 2/2002 is not contrary to the principles of the rule of law, nor with the guarantees of fair legal protection and certainty as guaranteed by the 1945 Constitution of the Republic of Indonesia, contrary to the Petitioner’s arguments. Therefore, the Petitioner’s argument is entirely legally unjustifiable.

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