



**CONSTITUTIONAL COURT
REPUBLIC OF INDONESIA**

**ADJUDICATION SUMMARY OF
CASE NUMBER 22/PUU-XIX/2021**

Regarding

**Limitation of the Threat of Money Laundering Over 4 (four) Years and
Restrictions on Investigators in Money Laundering Crime Cases Lead to
Legal Uncertainty**

- Applicants** : 1. **Yayasan Auriga Nusantara** represented by Timer Manurung as Chairman of the Management, Syahrul Fitra as Secretary of the Management, and Triana Ramdani as Treasurer of the Management
2. **Pekumpulan Kaoem Telapak** represented by Mardi Minangsari as Chairman of the Management and Wishnu Tirta Setiadi as Deputy Chairman of the Management
- Case Type** : Review of Law Number 8 of 2010 on the Prevention and Eradication of Money Laundering Crime to the 1945 Constitution of the Republic of Indonesia (UUD 1945).

Merits of Case : Article 2 paragraph (1) letter z and the Elucidation of Article 74 of Law Number 8 of 2010 on the Prevention and Eradication of the Money Laundering Crime contradicts Article 27 paragraph (1), Article 28D paragraph (1), and Article 28I paragraph (1) 1945 Constitution.

Adjudication :

1. Granting the withdrawal of the Applicants' request;
2. Declaring Request Number 22/PUU-XIX/2021 regarding Request for Judicial Review of Article 2 paragraph (1) letter z and Elucidation of Article 74 of Law Number 8 of 2010 on Prevention and Eradication of the Money Laundering Crime (State Gazette of the Republic of Indonesia Year 2010 Number 122, Supplement to the State Gazette of the Republic of Indonesia Number 5164) to the 1945 Constitution of the Republic of Indonesia is withdrawn;
3. Declaring that the Applicants cannot resubmit the *a quo* request;
4. Ordering the Registrar of the Constitutional Court to record the withdrawal of request Number 22/PUUXIX/2021 in the Electronic Constitutional Case Registration Book (Buku Registrasi Perkara Konstitusi Elektronik/ e-BRPK) and return a copy of the request file to the Applicants.

Adjudication Date : Tuesday, August 31st, 2021.

Adjudication :

Summary

Whereas the Applicants are Indonesian Legal Entities. Applicant I is a non-governmental organization engaged in efforts to preserve natural resources and the environment to improve the quality of human life which to achieve its goals continues to conduct investigative research, encourage policy changes for better natural resources and environmental governance and conduct advocacy through legal mechanism and it established based on a Notary Deed which has been approved by the Ministry of Law and Human Rights. Whereas Applicant II is a non-governmental organization established based on a Notary Deed and has been ratified by a Decree of the Minister of Law and Human Rights which focuses on advocacy and forest protection campaigns, one of which is related to illegal logging which is a predicate crime as referred to in Article 2 paragraph (1) letter w of Law *a quo*;

In relation to the authority of the Court, since the Applicant's request is a request to examine the constitutionality of the norms of the Law, in this case Law Number 8 of 2010 on the Prevention and Eradication of the Money Laundering Crime against the 1945 Constitution of the Republic of Indonesia, the Court has the authority to adjudicate the *a quo* request;

Whereas the Constitutional Court has received a letter from the Applicants' Attorneys dated July 1st, 2021 regarding the revocation of Case Number 22/PUU-XIX/2021, which was received on July 23rd, 2021;

Whereas the Constitutional Court has held a Panel Session to examine the Amendment of the Request on July 28th, 2021 online. At the Panel Session, after the Court made clarifications to the Applicants regarding the letter of revocation or withdrawal of the *a quo* case, both the principal and the legal counsel of the Applicants conveyed that it was true that the Applicants filed for the withdrawal of the *a quo* request because the merits of case that were the same as the Applicants' Request have been decided and granted by the Court;

Whereas regarding the withdrawal of the Applicants' request, Article 35 paragraph (1) of the Constitutional Court Law states, "The Applicant may withdraw the Request before or during the review of the Constitutional Court" and Article 35 paragraph (2) of the Constitutional Court Law states that the withdrawal results in the *a quo* Request cannot be resubmitted;

Whereas the Deliberative Meeting of Judges on August 4th, 2021 has concluded that the revocation or withdrawal of request Number 22/PUU-XIX/2021 is grounded according to law and the Applicants cannot re-submit the *a quo* request and ordered the Registrar of the Constitutional Court to take notes regarding the withdrawal of the request of the judges. the Applicants in the Electronic Constitutional Case Registration Book (Buku Registrasi Perkara Konstitusi Elektronik/ eBRPK) and return a copy of the request file to the Applicants;

Thus, the Court stipulates as follows:

1. Granting the withdrawal of the Applicants' request;
2. Declaring Request Number 22/PUU-XIX/2021 regarding Request for Judicial Review of Article 2 paragraph (1) letter z and Elucidation of Article 74 of Law Number 8 of 2010 concerning Prevention and Eradication of the Money Laundering Crime (State Gazette of the Republic of Indonesia Year 2010 Number 122, Supplement to the State Gazette of the Republic of Indonesia Number 5164) to the 1945 Constitution of the Republic of Indonesia is withdrawn;
3. Declaring that the Applicants cannot resubmit the *a quo* request;
4. Ordering the Registrar of the Constitutional Court to record the withdrawal of request Number 22/PUU-XIX/2021 in the Electronic Constitutional Case Registration Book (Buku Registrasi Perkara Konstitusi Elektronik/ e-BRPK) and return a copy of the request file to the Applicants.