



**THE CONSTITUTIONAL COURT OF  
THE REPUBLIC OF INDONESIA**



# **PROGRAM BOOK**

## **THE 1<sup>st</sup> INTERNATIONAL EXPERT MEETING**

**Tangerang - Indonesia, September 20<sup>th</sup>-21<sup>st</sup>, 2019**



# TABLE OF CONTENTS

ABOUT THE EVENT .....	1
PROGRAM DETAILS .....	11
CULTURAL ACTIVITY .....	16
CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA .....	18

# ABOUT THE EVENT

## The 1<sup>st</sup> International Expert Meeting 2019

### The Constitutional Court of the Republic of Indonesia

*“Constitutional Dialogue: The Role of the Judiciary to Promote Social Justice – The Protection of Socio-Economic rights”*

**September 20<sup>th</sup> – 21<sup>st</sup>, 2019 in Jakarta, Indonesia**

#### 1. Committee

The Constitutional Court of the Republic of Indonesia will be the host and the committee of the event.

#### 2. General Theme

*“Constitutional Dialogue: The Role of the Judiciary to Promote Social Justice – the Protection of Socio-Economic rights”*

#### 3. Date and Venue

Date : September 20<sup>th</sup> – 21<sup>st</sup>, 2019

Venue : JHL Solitaire Gading Serpong

##### Venue Details

Address : Jl. Gading Serpong Boulevard Barat Blok S No. 5,  
Gading Serpong, Tangerang 15810, Banten, Indonesia

Telephone : (+62) 21 39503000

Email : [info.dsgs@dvaree.com](mailto:info.dsgs@dvaree.com)

Website : <http://dsgs.dvaree.com>

#### 4. Dress Code

Meeting : Formal Suite

Dinner : Smart Casual

Gala Dinner (21th September 2019) : Batik (Provided by Committee)



JHL Solitaire Gading Serpong



Sky Ballroom

### **Sky Ballroom**

JHL Solitaire Gading Serpong's very own Sky Ballroom offers an exclusivity and refreshing ambiance for the participants. Located on the 15th floor and approximately 200 feet from the ground, the Sky Ballroom features modern audio-visual technology and floor-ceiling-windows that allow ample sunlight into the space during the day and an attractive view of the city during the night.

## **Accommodation**

The Committee provide the accommodation at the JHL Solitaire Hotel to ensure each participant an efficient and comfortable stay experience.





### **Dining Area**


The Mangan is part of JHL Solitaire's Signature dining area located on the 2<sup>nd</sup> level with modern surroundings and clean design combined to create a harmonious dining experience. The word "Mangan" itself is derived from Javanese language which means 'Eat'.

#### 4. List of Speakers, Respondents, and Facilitators


Please refer to this following tables to learn about the general information of the speakers, respondents, and facilitators.

##### SPEAKERS

No.	Name	Posititon/ Institution	Country	Photo
1	Jimly Asshiddiqie	1 <sup>st</sup> Chief Justice of the Constitutional Court of the Republic of Indonesia, 2003-2008	Indonesia	
2	Hamdan Zoelva	4 <sup>th</sup> Chief Justice of the Constitutional Court of the Republic of Indonesia, 2013-2015	Indonesia	
3	Robert French	Former Chief Justice of the High Court of Australia	Australia	
4	Indu Malhotra	Justice of the Supreme Court of India	India	
5	Joseph Marko	Former Justice of the Constitutional Court of Bosnia-Herzegovina	Bosnia- Herzegovina	
6	Hennie Strydom	University of Johannesburg	South Africa	



7	Surya Dhungel	Kathmandu University / Constitutional Legal Advisor to the President of Nepal	Nepal	
---	---------------	---	-------	---

## RESPONDENTS

No.	Name	Posititon/ Institution	Country	Photo
1	Anwar Usman	Chief Justice of the Constitutional Court of the Republic of Indonesia	Indonesia	
2	Aswanto	Deputy Chief Justice of the Constitutional Court of the Republic of Indonesia	Indonesia	
3	Arief Hidayat	Justice of the Constitutional Court of the Republic of Indonesia	Indonesia	
4	Suhartoyo	Justice of the Constitutional Court of the Republic of Indonesia	Indonesia	
5	I Dewa Gede Palguna	Justice of the Constitutional Court of the Republic of Indonesia	Indonesia	

6	Wahiduddin Adams	Justice of the Constitutional Court of the Republic of Indonesia	Indonesia	
7	Manahan M.P. Sitompul	Justice of the Constitutional Court of the Republic of Indonesia	Indonesia	
8	Enny Nurbaningsih	Justice of the Constitutional Court of the Republic of Indonesia	Indonesia	
9	Saldi Isra	Justice of the Constitutional Court of the Republic of Indonesia	Indonesia	
10	M. Guntur Hamzah	Secretary General of the Constitutional Court of the Republic of Indonesia	Indonesia	
11	Muhidin	Registrar of the Constitutional Court of the Republic of Indonesia	Indonesia	
12	Surya Pratap Singh	Registrar of the Supreme Court of India	India	

## FACILITATORS

No.	Name	Posititon/ Institution	Country	Photo
1	Bertus de Villiers	Curtin University	Australia	
2	Imogen Canavan	Max Planck Foundation	Germany	

### 5. Ground Rules for the Discussion

In order to gain the best possible outcome, please refer to the information below to understand how the discussion will be conducted.

- a) There will be a total of eight sessions in the meeting.
- b) Each session is designated for one speaker and will solely focus on the subtheme—specifically the paper.
- c) Duration of each session is 60 minutes which will be divided into:
  - 20 minutes for the speaker to present the paper;
  - 30 minutes for the discussion between the speaker and respondents; and
  - 10 minutes for Questions and Answers with the observers.

### 6. Participants Category

There are three different categories for the participants of this meeting as listed below. Please read carefully to understand your expected role and contribution.

Category	Task/Role
<b>Speakers</b>	<ol style="list-style-type: none"> <li>1) Writing a paper related to the subtheme given by the Committee;</li> <li>2) The paper should be in accordance with the Author Guideline given by the Committee;</li> <li>3) Agreeing to the terms that the paper shall be published in the <i>Constitutional Review Special Edition 2019</i> by the Constitutional Court of the Republic of Indonesia; and</li> <li>4) Submitting the paper—along with the presentation file(s)—to the Committee before the deadline.</li> </ol> <p><b>Note:</b> Deadline for paper submission is by 12<sup>th</sup> August, 2019.</p>
<b>Respondents</b>	Examining, giving feedback, and raising questions based on the paper/presentation to stimulate an in-depth discussion which finally leads to a more insightful understanding on the subject.
<b>Observers</b>	<p>Observing the discussion.</p> <p><b>Note:</b> Able to raise questions only during the Questions and Answers session. Maximum two observers are allowed to raise questions for each session.</p>

## 7. Terms and Conditions for International Travel and Accommodation

The Constitutional Court of the Republic of Indonesia shall:

- a) Provide and bear the cost of the local transportation from the airport to the hotel and vice versa, as well as during the program; and
- b) Provide and bear the cost of the accommodation for check in date on September 18<sup>th</sup>, 2019 and check out date on September 22<sup>nd</sup>, 2019.

## 8. Output

Publishing of the *Constitutional Review 2019 Special Edition* by the Constitutional Court of the Republic of Indonesia.

# PROGRAM DETAILS

## The 1<sup>st</sup> International Expert Meeting 2019 The Constitutional Court of the Republic of Indonesia

*“Constitutional Dialogue: The Role of  
the Judiciary to Promote Social Justice –  
The Protection of Socio-Economic rights”*

**September 20<sup>th</sup> – 21<sup>st</sup>, 2019 in Jakarta, Indonesia**

DATE	TIME	AGENDA	INFORMATION
Sept 17 <sup>th</sup> -19 <sup>th</sup> , 2019	-	Arrival of the participants	Soekarno-Hatta International Airport
Sept 19 <sup>th</sup> , 2019	19.00	Dinner	Mangan Resto @ JHL Solitaire Hotel
Day I			
Sept 20 <sup>th</sup> , 2019	08.00 – 09.00	<b>Opening Ceremony</b> 1. National Anthem “Indonesia Raya” 2. Secretary General Report; 3. Constitutional Court Hymn; 4. Opening remarks by the Chief Justice of the Constitutional Court of the Republic of Indonesia; 5. Moment of Silence; and 6. Group Photo.	<b>1. Dr. Anwar Usman, S.H., M.H</b> <b>2. Prof. M. Guntur Hamzah</b>
	09.00 – 09.15	Coffee Break	

	09.15 – 10.15	<i>“Social Justice Constitution”</i>	<p>Speaker: <b>Prof. Dr. Jimly Asshiddiqie, S.H.</b> (1<sup>st</sup> Chief Justice of the Constitutional Court of the Republic of Indonesia, 2003-2008)</p> <p>Respondent: <b>-Indonesian Justices</b> <b>-Robert French</b> (Former Chief Justice of the High Court of Australia)</p> <p>Facilitator: <b>Prof. Bertus De Villiers</b> (Curtin University,Australia)</p>
	10.15 – 11.15	<i>The Role of Constitutional Court in Promoting the Protection of Social and Economic Rights of the People (2013-2015)</i>	<p>Speaker: <b>Dr. Hamdan Zoelva, S.H., M.H.</b> (4<sup>th</sup> Chief Justice of the Constitutional Court of the Republic of Indonesia, 2013-2015)</p> <p>Respondent: <b>-Indonesian Justices</b> <b>-Prof. Hennie Strydom</b> (University of Johannesburg, South Africa)</p> <p>Facilitator: <b>Prof. Bertus De Villiers</b> (Curtin University,Australia)</p>
	11.15 – 14.00	Friday Prayer & Lunch Break	-
	14.00 – 15.00	<i>“The Challenges for the Courts to Promote Social Justice – Striking Balance between ‘Maker’ of Law and ‘Declarer’ of Law”</i>	<p>Speaker: <b>Robert French</b> (Former Chief Justice of the High Court of Australia)</p> <p>Respondent: <b>-Prof. Joseph Marko</b> (Former Justice of the Constitutional Court of Bosnia-Herzegovina) <b>-Indonesian Justices</b></p> <p>Facilitator: <b>Imogen Canavan</b> (Max Planck Foundation, Germany)</p>

	15.00 – 16.00	<i>“Role of the Judiciary to Promote Social Justice: The Protection of Socio-Economic Rights in International Law”</i>	<p>Speaker: <b>Prof. Hennie Strydom</b> (University of Johannesburg, South Africa)</p> <p>Respondent: <b>-Indonesian Justices</b></p> <p>Facilitator: <b>Imogen Canavan</b> (Max Planck Foundation, Germany)</p>
	16.00 – 16.30	Coffee Break	-
	16.30 – 16.45	Conclusion of Day 1	<p>Facilitator: <b>Prof. Bertus De Villiers</b> (Curtin University, Australia)</p>
	19.00 – 21.00	Dinner	Mangan Resto (JHL Solitaire Hotel)
<b>Day 2</b>			
Sept 21 <sup>st</sup> , 2019	09.00 – 10.00	<i>“The Role of the Supreme Court of India to Give Content to Directive Principles of State Policy”</i>	<p>Speaker: <b>Indu Malhotra</b> (Justice of the Supreme Court of India)</p> <p>Discussion: <b>-Indonesian Justices -Speakers</b></p> <p>Facilitator: <b>Prof. Bertus De Villiers</b> (Curtin University, Australia)</p>
	10.00 – 10.15	Coffee Break	-

	10.15 – 11.15	<i>“The Role of the Judiciary to Promote Social Justice in a Society in Transition: the Experience of Bosnia-Herzegovina”</i>	<p>Speaker: <b>Prof. Joseph Marko</b> (Former Justice of the Constitutional Court of Bosnia-Herzegovina)</p> <p>Respondent: <b>-Indonesian Justices</b></p> <p>Facilitator: <b>Imogen Canavan</b> (Max Planck Foundation, Germany)</p>
	11.15 – 13.30	Lunch Break	-
	13.30 – 14.30	<i>“Inserting Social and Economic Rights in the New Constitution of Nepal: Rationale and Implementation”</i>	<p>Speaker: <b>Prof. Surya Dhungel</b> (Kathmandu University / Constitutional Legal Advisor to the President of Nepal)</p> <p>Respondent: <b>-Indonesian Justices</b></p> <p>Facilitator: <b>Imogen Canavan</b> (Max Planck Foundation, Germany)</p>
	14.30 – 15.30	<i>“The Constitutional Court of Indonesia and the Recognition of Social and Economic Rights”</i>	<p>Speaker: <b>Prof. Saldi Isra</b> (Justice of the Constitutional Court of the Republic of Indonesia)</p> <p>Respondent: <b>Prof. Surya Dhungel</b> (Kathmandu University / Constitutional Legal Advisor to the President of Nepal) <b>-Indonesian Justices</b></p> <p>Facilitator: <b>Prof. Bertus De Villiers</b> (Curtin University, Australia)</p>
	15.30 – 16.00	Coffee Break	-
	16.00 – 16.15	Conclusion of Day 2	Facilitator: <b>Prof. Bertus De Villiers</b> (Curtin University, Australia)
	16.15 – 19.00	Break	-

	19.00 – 21.30	<b>Closing Ceremony, Farewell Dinner &amp; Cultural Activity</b>	<ol style="list-style-type: none"> <li>1. National Anthem “Indonesia Raya”;</li> <li>2. Secretary General Report;</li> <li>3. Constitutional Court Mars;</li> <li>4. Closing remarks by the Chief Justice of the Constitutional Court of the Republic of Indonesia;</li> <li>5. Token of Appreciation;</li> <li>6. Group Photo;</li> <li>7. Gala Dinner;</li> <li>8. Entertainment: Music performances; Cultural Activity (Saung Angklung Mang Udjo)</li> </ol>
<b>End of the Event</b>			
Sept 22 <sup>nd</sup> , 2019	-	Departure of the participants	Soekarno-Hatta International Airport

# CULTURAL ACTIVITY

(September 21<sup>st</sup>, 2019)

Wrapping up the event, the participants will enjoy a Cultural Activity which hopefully gives a pleasant and memorable experience.



**Saung Angklung Udjo**



## The Angklung



The **angklung** is a traditional musical instrument from Indonesia. It is made of bamboo and originated in what is now West Java and Banten provinces in Indonesia, and has been played by the Sundanese for many centuries. The **angklung** and its music have become an important part of the cultural identity of Sundanese communities in West Java and Banten. According to Sundanese elders, Angklung tubes symbolize human life; the tubes themselves being the people. The Angklung could not be the instrument that it is, had it only consisted of one tube. This embodies the fact that humans are “social animals,” as said by Aristotle, and that they may not live appropriately in isolation. The large and small tubes that are situated next to each other in each instrument represent an individual’s growth and capabilities. Different tube sizes signify the truth that all people have different roles to play to create some kind of harmony in this world.\*

\*Taken from various sources.



Interactive Angklung Ensemble by Saung Angklung Udjo

# CONSTITUTIONAL COURT OF THE REPUBLIC OF INDONESIA

## INITIAL HISTORY AND ESTABLISHMENT

The history of judicial review practices dates back to the *Marbury vs Madison* case (1803) handled by the Supreme Court of the United States of America under the leadership of John Marshall. Although at that time the Constitution of the United States did not have any provision for granting an authority to the Supreme Court to conduct judicial review, based on his interpretation of the official oath of office requiring him to uphold the Constitution at all times, Marshall considered that the Supreme Court had the authority to declare a law as being contradictory to the Constitution.

Theoretically, the concept of Constitutional Court was introduced for the first time in 1919 by Hans Kelsen (1881-1973), a legal expert from Austria. Kelsen stated that the constitutional implementation of legislation can only be guaranteed effectively if an organ other than the legislative body is assigned with the task of examining whether or not a legislative product is constitutional, and making it inapplicable if in its opinion such legislative product is unconstitutional. For such purpose, it is necessary to establish a special organ referred to as the Constitutional Court.

If we take a closer look at the history of the formulation of the 1945 Constitution, Hans Kelsen's idea regarding judicial review appears to be in line with the proposal conveyed by Muhammad Yamin in the meeting of the Committee for the Preparation of Independence (BPUPK). Yamin proposed that the *Balai Agung* (or the Supreme Court) be granted the authority to "compare laws", which was no other than the authority to conduct judicial review. However, Muhammad Yamin's proposal was refuted by Soepomo arguing that (i) the basic concept adopted in the Constitution being formulated was not the concept of separation of powers but the concept of distribution of powers; in addition to that, (ii) the judges' task was to apply laws, rather than to review laws; and (iii) the judges'

authority to review laws was contradictory to the concept of the supremacy of the People's Consultative Assembly (MPR). Consequently, the idea of judicial review of laws against the Constitution proposed by Yamin was not adopted in the 1945 Constitution. Despite the failure to obtain approval, Yamin's ideas indicate that the drafters of our Constitution had very advanced ideas ever at that time.

In line with the momentum of the amendments to the 1945 Constitution during the reform era (1999-2002), the idea of establishing a Constitutional Court in Indonesia became increasingly stronger, reaching its peak in 2001, when the idea to establish a Constitutional Court was adopted in the amendments to the 1945 Constitution by MPR as formulated in the provisions of Article 24 paragraph (2) and Article 24C of the Third Amendment to the 1945 Constitution.



the Supreme Court Building



House of Representatives Building

Subsequently, for the purpose of further elaboration and follow up the aforementioned mandate under the Constitution, the Government, together with the People's Legislative Assembly (DPR), conducted discussions on the Draft Law regarding the Constitutional Court. After conducting discussions for some time, the Draft Law was finally jointly agreed upon by the Government and DPR and was passed in the Plenary Session of DPR on August 13, 2003. On the same day, the Constitutional Court Law was signed by President Megawati Soekarnoputri and was promulgated in the State Gazette on the same day, and it was then named Law Number 24 Year 2003 regarding the Constitutional Court (State Gazette Year 2003 Number 98, Supplement to State Gazette Number 4316). Viewed from the aspect of time, Indonesia has been the 78th country establishing its Constitutional Court, and at the same time it has been the first country in the world establishing such institution in the 21st century. August 13, 2003 was subsequently agreed upon by the Constitutional Court justices as the birth date of the Constitutional Court of the Republic of Indonesia.

With Law Number 24 Year 2003 as the starting point, and with reference to the principle of balance among the branches of state powers, the recruitment of Constitutional Court justices was conducted by three state institutions, namely the DPR, the President and the Supreme Court. After undergoing the selection stages according to the applicable mechanisms in each of the aforementioned institutions, each institution nominated three candidates for Constitutional Court justice to the President to be stipulated as Constitutional Court justices.

DPR nominated Prof. Dr. Jimly Asshiddiqie, S.H., Let, Gen (Ret.), H. Achmad Roestand, S.H., and I Dewa Gede Palguna, S.H., M.H. The President nominated Prof. H. Ahmad Syarifuddin Natabaya, S.H., LL.M., Prof. H. Abdul Mukthie Fadjar, S.H., M.S., and Dr. Harjono, S.H., MCL. At the same time, the Supreme Court (MA) nominated Dr. H. Mohammad Laica Marzuki, S.H. (he currently holds the title of professor), Soedarsono, S.H., and Maruarar Siahaan, S.H.

On August 15, 2003, the appointment of Constitutional Court justices for the first time in Indonesian state administration history was stipulated in Presidential Decree Number 147/M Year 2003, followed by the pronouncement of the official oath of Constitutional Court justices at the State Palace on August 16, 2003. After taking their oath, the Constitutional Court justices immediately went to work, performing their constitutional duties as set forth in the 1945 Constitution.

In implementing their constitutional duties, Constitutional Court justices require general and judicial administrative support from government apparatuses. Accordingly, general administrative support was initially provided by the Secretariat General of MPR. Therefore, with the approval of the Secretary General of MPR, a number of employees were assigned to support the implementation of constitutional duties of Constitutional Court justices. This was manifested



Presidential Palace

in, among other things, the designation of the Head of MPR Assembly Bureau, Janedjri M. Gaffar, as the Acting Secretary General of the Constitutional Court as from August 16, 2003 up to September 31, 2003. Subsequently, on January 2, 2004, President Megawati designated Anak Agung Oka Mahendra, S.H. as the definitive Secretary General of the Constitutional Court. Later on, Oka Mahendra resigned due to illness, and on August 19, 2004, Janedjri M. Gaffar was elected as the new Secretary General of the Constitutional Court replacing Oka Mahendra.

At the same time, the Registrar's Office of the Constitutional Court was also established with the duty of providing assistance for the uninterrupted implementation of the duties and authorities of the Constitutional Court in the field of judicial administration. The Registrar is in charge of handling various affairs, such as the registration of petitions filed by Petitioners, examination of the completeness of petitions, the recording of complete petitions in the Constitutional Case Registry, as well as preparing and assisting with the implementation of the Court's hearings. Marcel Buchari, S.H. was designated as the Acting Registrar to accompany the Acting Secretary General of the Constitutional Court. Later on, he was definitively replaced by Drs. H. Ahmad Fadlil Sumadi, S.H., M.Hum.

The subsequent phase in the Court's history was the delegation of cases from the Supreme Court to the Constitutional Court as of October 15, 2003, marking the commencement of the Court's operational activities as one of the branches of judicial power pursuant to the provisions of the 1945 Constitution. The commencement of the Court's operational activities also marked the end of the Supreme Court's authority in exercising the authorities of Constitutional Court as mandated by Article III of the Transitional Provisions of the 1945 Constitution.

After completing their five-year term, the Constitutional Court justices of the first period (2003-2008) had passed decisions in 205 cases out of the total of 207 cases registered. Those cases included 152 cases of Judicial Review of Laws (PUU), 10 cases of Disputes over the Authority of State Institutions (SKLN), and 45 cases of Disputes over General Election Results (PHPU). The first term of office of the Constitutional Court justices ended on August 16, 2008. Before the end of the said term, three Constitutional Court justices had resigned because they had reached the retirement age prior to the expiration of their term of office [pursuant to Article 23 paragraph (1) sub-paragraph c of the Constitutional Court Law, the retirement age for Constitutional Court justices is 67 years], namely



Constitutional Court's First ever hearing, held at Nusantara IV Building, Parliament Complex

Let. Gen. (Ret.) Ahmad Roestand, S.H who was subsequently replaced by Prof. Dr. Moh. Mahfud MD., S.H., Prof. Dr. Mohammad Laica Marzuki, S.H. whose position was subsequently assumed by Dr. H. Mohammad Alim, S.H., M.Hum, and Soedarsono S.H who was replaced by Dr. H. M. Arsyad Sanusi, S.H., M.Hum. The three new replacements have continued to serve their second term of office as Constitutional Court justices (2008-2013).

During this second term, six additional Constitutional Court Justices were elected, namely Prof. Mukthie Fadjar, S.H., MS (for the second term), Prof. Dr. Achmad Sodiki, S.H., and Prof. Dr. Maria Farida Indrati, S.H., who were nominated by the President., Prof. Dr. Jimly Asshiddiqie, S.H. (for the second term), and M. Akil Mochtar, S.H., M.H., who were nominated by the DPR. Meanwhile, the Supreme Court re-nominated Maruarar Siahaan S.H. who had served as Constitutional Court Justice in the first term. Accordingly, in the second term, the Constitutional Court had three old justices and six new justices. However, in the course of further development, Prof. Dr. Jimly Asshiddiqie, S.H. resigned from his position as Constitutional Court justice, effective as of November 1, 2008 and was replaced by Dr. Harjono, S.H., MCL. who took his oath of office on March 24, 2009, while Prof. Abdul Mukthie Fadjar, S.H., M.S. and Maruarar Siahaan, S.H. reached the retirement age on January 1, 2010 and were replaced by Dr. Hamdan Zoelva, S.H., M.H. and Drs. H. Ahmad Fadlil Sumadi, S.H., M.Hum, who took their oath of office on January 7, 2010 respectively. On April 6, 2011 Dr. Anwar Usman, S.H., M.H., was officially sworn as Constitutional Justice replacing Dr. H. M. Arsyad Sanusi, S.H., M.Hum. Further on August 13 2013 Dr. Patrialis Akbar, S.H. M.H. was sworn to replace the outgoing Justice Prof. Dr. Achmad Sodiki, S.H.. At last on March 21 2014 Dr. Wahiduddin Adams, S.H. M.A. and Prof. Dr. Aswanto S.H., M.Si., DFM. were sworn as Constitutional Justice replacing Dr. Harjono, S.H., MCL. and Dr. M. Akil Mochtar, S.H., M.H.

On April 11, 2017, Prof. Dr. Saldi Isra., S.H., MPA. was nominated by President Joko Widodo as the Constitutional Justice in replace of Dr. H. Patrialis Akbar, S.H., M.H who was serving as the Constitutional Justice from July 22, 2013, until January 22, 2017. In this year, Prof. Dr. Maria Farida Indrati, S.H., M.H., who had been serving for two terms (2008-2013 and 2013-2018 respectively), reached her retirement age at August 13, 2018 and was replaced by Prof. Dr. Enny Nurbaningsih, S.H., M.Hum who was nominated by President Joko Widodo. This has been the latest formation of nine Constitutional Court Justices currently implementing the Constitutional Court's constitutional duties.

## POSITION, AUTHORITIES, AND OBLIGATIONS

### POSITION

The Constitutional Court is one of the state institutions exercising independent judicial power in administering the judicial system with the aim of enforcing law and justice.

### AUTHORITIES

The Constitutional Court has 4 (four) authorities and 1 (one) responsibility as set forth in Article 24C paragraph (1) and paragraph (2) of the 1945 Constitution.

The Constitutional Court has the authority to hear cases at the first and final instance, the decision of which shall be final for the following purposes:

- to conduct judicial review of laws against the 1945 Constitution of the State of the Republic of Indonesia;
- to decide upon disputes related to the authorities of state institutions whose authorities are granted by the 1945 Constitution of the State of the Republic of Indonesia;
- to decide upon the dissolution of political parties; and
- to decide upon disputes related to the results of general elections, including the general election of the President and Vice President, general election of members of the People's Legislative Assembly (DPR), the Regional People's Legislative Assembly (DPRD) at the Provincial and Regency/Municipality levels, general election of members of the Regional Representatives' Council (DPD), and general election of head and deputy head of region.

## OBLIGATIONS

The Constitutional Court has the responsibility of making verdict concerning the opinion of the People's Legislative Assembly (DPR) holding that the President and/or Vice President is/are alleged: (1) to have violated the law in the form of (a) treason against the state, (b) corruption, (c) bribery, (d) other serious criminal acts; (2) or disgraceful acts, and/or (3) no longer being qualified to as President and/or Vice President as intended in the 1945 Constitution of the State of the Republic of Indonesia.



## VISION AND MISSION THE CONSTITUTIONAL COURT

### VISION OF THE CONSTITUTIONAL COURT

Upholding the Constitution of the State in order to realize the ideals of law and democracy for the sake of national and state life of dignity.

### MISSION OF THE CONSTITUTIONAL COURT

- a) Realize the Constitutional Court as one of the modern judicial power and reliable.
- b) Building a culture of constitutionality of Indonesia and the constitution.





**THE CONSTITUTIONAL COURT OF  
THE REPUBLIC OF INDONESIA**



# **THE CONSTITUTIONAL COURT JUSTICES**



# COMPOSITION OF THE CONSTITUTIONAL COURT JUSTICES

## **Chief Justice:**

Dr. Anwar Usman, S.H., M.H.

## **Deputy Chief Justice:**

Prof. Dr. Aswanto, S.H., M.Si.,DFM.

## **Member Justices:**

Prof. Dr. Arief Hidayat S.H., M.S.

Dr. Wahiduddin Adams, S.H., MA

Dr. I Dewa Gede Palguna, S.H., M.Hum

Dr. Suhartoyo, S.H., M.H.

Dr. Manahan M.P. Sitompul, S.H., M.Hum.

Prof. Dr. Saldi Isra, S.H.

Prof. Dr. Enny Nurbaningsih, S.H.,M.Hum.





# DR. ANWAR USMAN, S.H., M.H.

CHIEF JUSTICE OF THE CONSTITUTIONAL COURT

- Constitutional Justice since 2011
- A District Judge at Jakarta District Court also serve as Chief of Judicial Department of the Supreme Court for education and training development (*Kepala Diklat Departemen Kehakiman Mahkamah Agung*)
- Bachelor Degree, Faculty of Law *Institut Islam Syarif Hidayatullah*
- Master Degree, Faculty of Law at *STIH "IBLAM"*
- Doctorate Degree, *Universitas Gadjah Mada*



# PROF. DR. ASWANTO, S.H., M.SI.,DFM.

DEPUTY CHIEF JUSTICE OF THE CONSTITUTIONAL COURT

- Constitutional Justice since 2014
- Professor of Criminal Law, *Universitas Hasanuddin*
- Bachelor Degree, *Universitas Hasanudin*
- Master Degree, *Universitas Gajah Mada*
- Doctorate Degree, *Universitas Airlangga*
- Diploma of Forensic Medicine and Human Rights, Institute of Groningen State, the Netherlands



# PROF. DR. ARIEF HIDAYAT, S.H., M.S.

CONSTITUTIONAL JUSTICE

- Constitutional Justice since 2013
- Former Chief Justice 2015-2018
- Professor of law *Universitas Diponegoro*
- Bachelor Degree, Faculty of Law *Universitas Diponegoro*
- Master Degree, Faculty of Law *Universitas Airlangga*
- Doctorate Degree, Faculty of Law *Universitas Diponegoro*



# DR. WAHIDUDDIN ADAMS, S.H., M.A.

CONSTITUTIONAL JUSTICE

- Constitutional Justice since 2014
- Directorate General of the Justice and Human Rights Ministry for legislation
- Bachelor Degree of Sharia Law major of *Universitas Islam Syarif Hidayatullah*
- Bachelor Degree, *Universitas Muhammadiyah Jakarta*
- Master Degree of Sharia Law of *Universitas Islam Syarif Hidayatullah*
- Doctorate Degree, *Universitas Islam Syarif Hidayatullah*
- De Postdoctorale Cursus Wetgevingsleer at Leiden, the Netherlands



# DR. I DEWA GEDE PALGUNA, S.H., M.HUM

CONSTITUTIONAL JUSTICE

- Constitutional Justice (2003-2008 and 2015-2019)
- Member of People's Consultative Assembly (1999-2004)
- Academics of *Universitas Udayana*
- Awarded '*Bintang Mahaputra Utama*' by the President (2009)
- Bachelor Degree, *Universitas Udayana*
- Master Degree, *Universitas Udayana*
- Doctorate Degree, *Universitas Udayana*



# DR. SUHARTOYO, S.H., M.H.

CONSTITUTIONAL JUSTICE

- Constitutional Justice since 2015
- Justice at Denpasar High Court
- Bachelor of Laws from *Universitas Islam Indonesia*
- Master of Laws from *Universitas Taruma Negara*
- Doctor of Laws from *Universitas Jayabaya*



# DR. MANAHAN M. P. SITOMPUL, S.H., M. HUM.

CONSTITUTIONAL JUSTICE

- Constitutional Justice since 2015
- Deputy Chief at Banjarmasin High Court
- Bachelor of Law, *Universitas Sumatra Utara*
- Master of Business Law, *Universitas Sumatra Utara*
- Doctorate Degree, *Universitas Sumatra Utara*



# PROF. DR. SALDI ISRA, S.H.

CONSTITUTIONAL JUSTICE

- Constitutional Justice since 2018
- Bachelor of Law (S.H.), Constitutional Law Department, Faculty of Law, Andalas University, graduated summa cum laude in 1995
- Master of Public Administration (MPA), Institute of Postgraduate Studies and Research, University of Malaya, Kuala Lumpur, Malaysia, graduated in 2001
- Doctor of Law (Ph.D.), Postgraduate Program, Faculty of Law, Gadjah Mada University, Yogyakarta, graduated cum laude in 2009



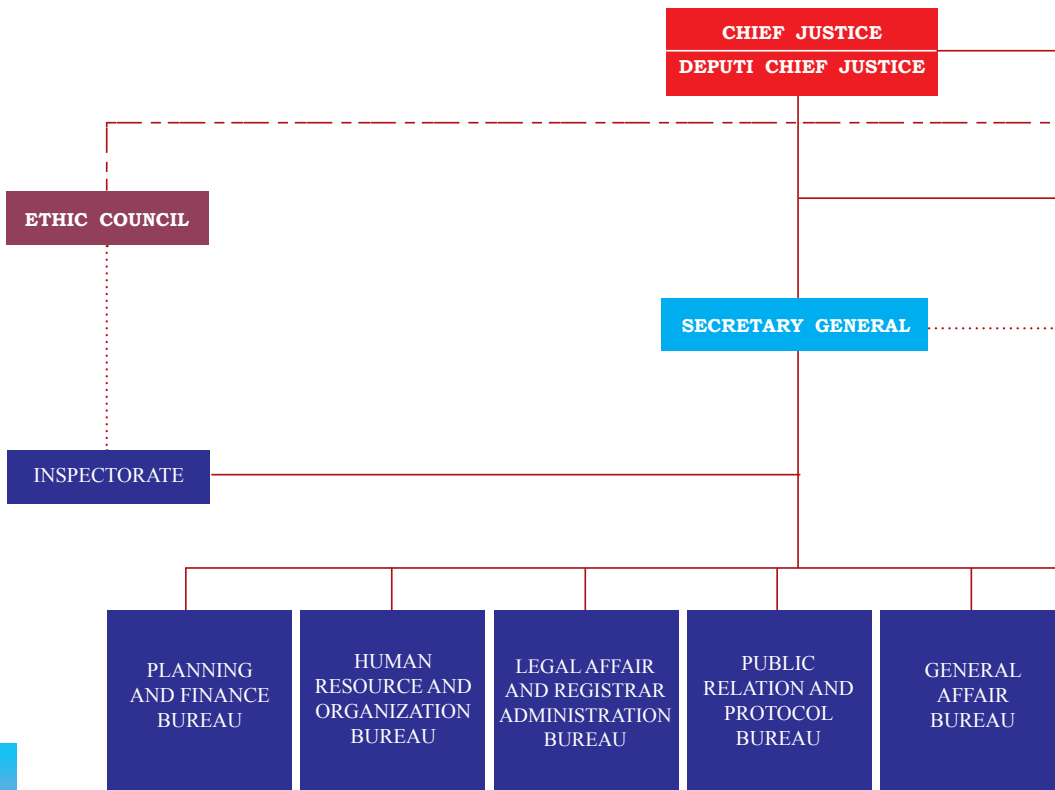
# PROF. DR. ENNY NURBANINGSIH, S.H.,M.HUM.

CONSTITUTIONAL JUSTICE

- Constitutional Justice since 2018
- Doctoral Degree, Faculty of Law, Gadjah Mada University (1981)
- Master's Degree, Faculty of Law, Padjadjaran Bandung University (1995)
- Bachelor's Degree, Faculty of Law, Gadjah Mada University (2005)



## ORGANIZATIONAL



# THE CURRENT ORGANIZATIONAL STRUCTURE OF THE SECRETARIAT GENERAL AND THE REGISTRAR'S OFFICE OF THE CONSTITUTIONAL COURT

## STRUCTURE

