

# JUDICIAL REVIEW OF CONSTITUTIONAL COURT DECISION NO. 90/PUU-XXI/2023 CONCERNING AGE LIMITS FOR PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES

M. Faqih Firdaus\*, Slamet Riyanto\*\*  
Faculty of Law, Muhammadiyah Kotabaru University  
Jl. Hasan Kepala Ratu, Lampung, Indonesia

*submitted December 2024 – reviewed May 2025 – accepted June 2025*

## **Abstract**

*The Constitutional Court is an organization of legal power which, in view of the constitution, has a legal capability to maintain regulation and equity. Regulation Number 24 of 2003 makes sense of that the obligations and elements of the Constitutional Court are to deal with established matters in regards to specific protected matters to shield the constitution so it is carried out dependably as per the desire of individuals and majority rule beliefs. In protecting the constitution, obviously, sacred appointed authorities are required who have information and skill in state organization as well as a promise to executing and managing state life as per the passages of the constitution, so every choice gave by the Constitutional Court is a legitimate item that doesn't go external the passageways of the constitution, so the actual constitution is naturally kept up with. This examination is spurred by the significant job of the Constitutional Court in giving over choices since it is as per Article 10 of Regulation No. 24 of 2003 concerning the Constitutional Court, the choice of the Constitutional Court is conclusive and has restricting legitimate power. The overall population, state directors, and all parts of the country trust that the Constitutional Court judges will really complete their capabilities, obligations and commands as per the Constitution, so through Constitutional Appointed authorities who have a statesmanlike soul, the Constitutional Court can create choices that can give a feeling of equity. in the midst of society. Keywords: Equity, Judge's Choice, Constitutional Court.*

**Keywords:** *Constitutional Court; Equity; Judge's Choice.*

## **A. Research Background**

Changing the period of official and vice-presidential up-and-comers in Indonesia

---

\* Correspondence e-mail: faqihf620@gmail.com

\*\* Correspondence e-mail: slamet.riyanto@umko.ac.id

has turned into an issue that has drawn in open consideration and has brought about different conclusions. This exploration expects to audit the regulating juridical changes in the base age for official and vice-presidential applicants in light of the choice of the Constitutional Court of the Republic of Indonesia. This examination utilizes standardizing legitimate exploration techniques with a legal methodology and a case approach. The exploration results show that adjustments of the base age for official and vice-presidential competitors fundamentally affect political and sacred elements in Indonesia. Constitutional Court choices assume a significant part in deciphering and authorizing the constitution, as well as giving clear lawful course in regards to the age necessities for official and vice-presidential up-and-comers. It is trusted that the ramifications of this choice will reinforce a majority rule government and the political framework in Indonesia by guaranteeing that the age prerequisites for official and vice-presidential up-and-comers are as per protected standards and the desires of individuals. Thus, with the abrupt change, it turned into an issue for the general population to believe that this was dynastic legislative issues.

As a general rule, the State and the Constitution are two interrelated elements that can't be isolated. Truth be told, in this cutting edge time, particularly with regards to the possibility of a majority rule government, it tends to be expressed that without the presence of a constitution, the development of a State is unimaginable. The constitution is the really legitimate underpinning of a nation and the fundamental rules that control administration methodology in light of this most elevated regulation assume a focal part in the organization of public and state life.<sup>1</sup> The ongoing holding of general races is in accordance with majority rule rehearses in Indonesia. Through broad races, the execution of a vote based system in a nation successfully supports a type of government that starts from individuals, is controlled by individuals, and is in light of a legitimate

---

<sup>1</sup> Ateng Syarifudin, "Menuju Penyelenggaraan Pemerintahan Negara Yang Bersih Dan Bertanggungjawab", *Jurnal Pro Justisia*, Vol. 5, 2020, p. 22.

concern for individuals, both at the leader and regulative levels, whether or not this understanding is understood or not.<sup>2</sup>

For nations that have quite recently taken on a vote based framework, the test<sup>3</sup> is the means by which to reinforce new fair practices and establishments, or at the end of the day, how to combine them so the framework can endure different tests like evolving times, political struggles, and emergency circumstances. Legitimate governmental issues incorporates laying out and upholding regulations, settling on conclusions about which regulations will be canceled, and accomplishing state objectives illustrated in the prelude to the 1945 Constitution.

This likewise incorporates arrangements laid out by state chairmen to make, carry out, and implement regulations. The discussion that emerged over the choice of the Protected Court with respect to the age limitations for official and vice-presidential up-and-comers as expressed in Article 169 letter q of Regulation Number 7 of 2017 concerning General Races, led to struggle. This contention comes from age limitations being viewed as a key element deciding a pioneer's validity in governmental issues. Some contend that age cutoff points may not line up with the qualities expected of a pioneer. Then again, there are additionally the people who contend that age impediments assist with guaranteeing that pioneers have the vital experience and development.

One more method for applying the idea of law and order is through the organization of the Constitutional Court, which has made a critical commitment to the improvement of a popularity based law and order and maintains the constitution. The power of the Constitutional Court to audit regulations in situations where its choices are last is managed by the 1945 Constitution which lays out the Constitutional Court as an establishment of legal power. Each choice of the Constitutional Court should give an

---

<sup>2</sup> Bayu Adji Agung, *et. al.*, "Konstitusionalitas Perubahan-Perubahan Usia Calon Presiden Dan Calon Wakil Presiden Dalam Negara Hukum Demokrasi", *Jurnal Riset Ilmiah*, Vol. 3, No. 1, 2024, p. 16-25.

<sup>3</sup> Topo and Ida Budhiati Santoso, 2019, *Pemilu Di Indonesia Kelembagaan, Pelaksanaan, Dan Pengawasan*, Sinar Grafika, Jakarta, p. 75.

illustration of equity and be generally perceived as a fair legitimate arrangement by undeniably closely involved individuals and the more extensive local area, taking into account the significance of the presence and authority of this organization at the public and state levels.

To guarantee the freedom and fair-mindedness of Constitutional Justices, both exclusively and institutionally, is not upset by outside impacts, a simply lawful settlement will be accomplished through the application and utilization of the laid out standards of freedom and unprejudiced nature. In the legal course of the Constitutional Court there are standards both general to all courts and well defined for the legal qualities of the Constitutional Court, one of which is the rule of freedom and unprejudiced nature, to be specific that in looking at and mediating a case it should be done impartially and chosen decently. Judges and foundations should be autonomous as in they can't be slowed down by any establishment or interest, and should not favor one side with any of the gatherings to the case or be fair. Autonomy and unprejudiced nature have three aspects, specifically practical, underlying and individual aspects.

To help the autonomy and unbiasedness of Constitutional Justices and the Constitutional Court, PMK Number 09/PMK/2006 was framed to execute the Code Statement on Morals and Conduct of Protected Judges. Concerning autonomy of sacred adjudicators, the initial segment of the Statement underscores that<sup>4</sup>:

The independence of judges is a fundamental prerequisite for realizing the ideals of a rule of law and ensuring compliance with law and justice. This principle is ingrained in the flesh and must be reflected in the review and decision-making process and this is closely related to the independence of the judiciary as an authoritarian, dignified and judicial institution. can be trusted. The independence of judges and courts means that the independence and independence of judges, both individually and organizationally, will appear from various influences originating from outside the judge, either directly in the form of interference or indirectly in the

---

<sup>4</sup> Subandri Rio, "Tinjauan Yuridis Putusan Mahkamah Konstitusi Nomor 90/PUU-XXI/2023 Tentang Persyaratan Batas Usia Pencalonan Presiden Dan Wakil Presiden", *Jurnal Kajian Ilmu Hukum Dan Politik*, Vol. 2, No. 1, 2024, p. 135-153.

form of persuasion. Pressure, coercion, intimidation or retaliation in the form of certain political or economic interests on the part of the government or ruling political power, certain groups or factions, and positional advantages, economic advantages, or any other form of compensation or promise in the form of...

The use of this standard is as per the following:

1. Makes a decision about do their legal capabilities freely founded on their evaluation of current realities and liberated from outer impedance, whether immediate or roundabout, as influence, enchantment, tension, terrorizing or backhanded impact from somebody, as per their dominance of the law.
2. Judges should act liberated from tension from society, the broad communications, and the gatherings to the debates they should choose.
3. Judges should keep up with their autonomy from impact by the presidential branch, Congress, and other government organizations.

The standard of fairness as expressed To some extent 2 of Decree Number expresses that:

Fair-mindedness relies upon the idea of the adjudicator's capability as the party who is supposed to give a goal to each case submitted. Fairness requires an impartial mentality with a profound comprehension of the significance of adjusting interests in 4,444 cases. This guideline is innate and should be reflected in each step of the case survey process, up to the settlement stage which prompts a court choice and the use of the standards of equity that can be acknowledged by all gatherings engaged with the case and overall as a fair lawful goal.<sup>5</sup>

This search was propelled by the choice of the Constitutional Court in the appeal Case 90/PUUXXI/2023 which conceded piece of the solicitation in regards to the age limit for official and vice-presidential up-and-comers depending on the prerequisite that they have political decision experience. Races for government employees are helped out through broad decisions, including territorial head decisions (*pilkada*), in light of the fact that the President and DPR have completely

---

<sup>5</sup> *Ibid.*

alluded to the assurance of the age limit in Article 169, Article q of the Political race Regulation with the Constitutional Court. Notwithstanding, in a few other record survey demands, a similar contention is submitted as the solicitation for report audit on the off chance that number 29/PUUXXI/2023 put together by the Indonesian Fortitude Party and the solicitation for material survey in the event that number 51/PUU-XXI/2023, presented by the Gelora Party, then, at that point, City chairman of Bukittinggi Elman Safar, Representative Official of South Lampung Pandu Kesma Dewangsa presented a solicitation for archive audit for this situation which was dismissed by the Constitutional Court which expressed that the age limit for 4,444 official and vice-presidential competitors was inside the locale of Congress (open lawful strategy). In the Constitutional Court Choice Number 90/PUU-XXI/2023 Number, the Constitutional Court added new standards that are not as per the underlying idea of the presence of the Constitutional Court which is entrusted with checking on the current Constitution. Standards Are these principles protected or illegal? On the off chance that the long term age prerequisite is being thought of, it should be resolved whether the long term age necessity is as per the Constitution. Jimli Asshiddiqie made sense of that in the event that the Constitutional Court is a latent as opposed to dynamic regulative foundation, its position is simply restricted to dropping standards. Subsequently, the Constitutional Court is a legal foundation that just has the ability to repudiate or support standards that have been laid out by the DPR with the President going about as a functioning lawmaker.

The depiction and choice above shows that the age necessity for official and vice-presidential up-and-comers is forty years, or should be chosen/in office through broad decisions, including territorial head races. This demonstrates that the Constitutional Court has set an age limit for official and vice-presidential competitors. Albeit the base age prerequisite for a president is forty years, this

arrangement is met with the capability "or potentially is/or alternately is/is possessing a position chose through broad races, including provincial head decisions". As such, you reserve the option to name yourself as president and VP on the off chance that every competitor has been chosen for that situation through broad races, including provincial head decisions. This is on the grounds that "or potentially" in the overall set of laws is viewed as a word that implies another option or decision.<sup>6</sup>

This choice of the Constitutional Court created a major ruckus in political circles, and led areas of strength for to from many gatherings in the public eye, in light of the fact that the choice reported by the Central Equity of the Constitutional Court was viewed as impacted by family interests. This choice is viewed as a work to help one of the vice-presidential competitors in the 2024 political decision. With the Constitutional Court's choice, a vice-presidential up-and-comer who presently fills in as a local head in Indonesia can in any case name himself as a vice-presidential competitor despite the fact that he doesn't meet the age necessity of 4,444 years. Dedi Kurnia Shah, Political Eyewitness at the Indonesian Political Assessment Association (Initial public offering), said that the Constitutional Court's choices are progressively political, and with regards to 2024 there might be one individual, at the end of the day it is assessed that there will be a propensity to protect Gibran Rakabumin Raka as it were. Since, despite the fact that the subject old enough (4,444 cases) was dismissed by the Constitutional Court, in this choice there are different necessities for individuals under 40 years old, to be specific possessing 4,444 positions acquired through races.

The formulation of the problem in this context is the content of the Constitutional Court Decision Number 90/PUUXXI/2023 and what is the view

---

<sup>6</sup> Akmaluddin Syahputra and Atika Wahyuni Dekananda, "Tinjauan Fiqh Siyasah Terhadap Putusan Mahkamah Konstitusi No. 90/PUU-XXI/2023 Tentang Batas Usia Capres Dan Cawapres", *Jurnal Ilmu Hukum, Humaniora Dan Politik (JIHHP)*, Vol. 4, No. 3, 2024, p. 253-260.

regarding the relationship between justice and political ethics in the context of this decision. The Constitutional Court's decision contains fundamental legal decisions on constitutional issues that are relevant in 2023. In addition, it is important to explore how justice, both in the legal and moral sense, coexists with political ethics in influencing and interpreting the Constitutional Court's decision. This includes consideration of how the decision reflects the ethical political values upheld in the context of social and political justice in Indonesia.

## **B. Research Method**

This study regarding legal testing of Constitutional Court Decision Number 90/PUUXII/2023 is normative legal research, namely a research method that examines library materials in the form of secondary data and analyzes them qualitatively. This means that the data obtained will be recorded systematically and evaluated qualitatively in order to clarify the achievements and legal decisions of the Constitutional Court. The research approach is carried out through the approach to statutory regulations, legal reform theory, law enforcement theory, and norms related to judicial review and law enforcement theory, as studied in this publication. This study refers to the authority of the Constitutional Court and the Indonesian constitutional law system. The specifications for this research are descriptive analysis, so it is hoped that it can provide a detailed, systematic and comprehensive picture of the object of study in the context of legal research on Constitutional Court decisions.

## **C. Research Result and Analysis**

In this article, the issue point in the official and vice-presidential competitors is in regards to the age limit which was out of nowhere different by the Constitutional Court in regards to the age limit for vice-presidential up-and-comers, which caused public



struggle which incorporated a few advantages and disadvantages. The people who were against it imagined that the Constitutional Court was obviously likewise as a direct relation of the president upholds the political line development utilized by the ongoing president, while the individuals who are master feel that the progressions made by the Constitutional Court set out an extraordinary freedom for the ongoing age to become heads of the country. Even the genius group in regards to the adjustment of the law expressed that with the youthful pioneers will effectively acknowledge sentiments, voices, considerations and analysis to propel Indonesia, which they added that Indonesian chiefs some of the time frequently deliberately ignore the assessments of youngsters. In some cases these conclusions are just viewed as solicitations that are not that significant, so many youngsters need pioneers who can lead and pay attention to the voices of youngsters. By and large, races are overwhelmed by the millennial age, age Concerning decides that were out of nowhere different by the Constitutional Court, the creator accepts that this is not totally off-base. The Constitutional Court has full expert in regulation, including the option to change the standards assuming it is considered at this point not important. This is managed in the Constitution, in particular assessments did constantly by state foundations to give over choices on administrative guideline making bodies (authoritative guidelines) and controlling bodies (administration).

In Indonesia, the Constitutional Court has the power to survey regulations. The power of the Constitutional Court in surveying regulations, which is otherwise called lawfulness testing, means to look at regulations that disregard the Constitution, both from a formal and material point of view. The power and obligations of the Constitutional Court depend on Article 7B, Article 24 passage (2) and Article 24C of the 1945 Constitution, which was framed through the third alteration to the 1945 Constitution of the Constitutional Court. Despite the fact that it was controlled in regulation, around then the Constitutional Court was considered unfit to completely do

its obligations and authority. This regulation was passed on August 13 2003, on the grounds that the momentary arrangements in Article 3 specify that the Constitutional Court should be shaped no later than August 17 2003. Number 24 of 2003 concerning the Constitutional Court. Regulation Number 24 of 2003 Number concerning the Constitutional Court controls that the obligations and elements of the Constitutional Court Number are to manage established issues connecting with specific protected issues connecting with the Constitution Number to safeguard the Constitution; This is expressed as follows: As per the will, the vote based beliefs of individuals have been carried out. The obligations of the Constitutional Court are expressed in article 24 passages 1 and 2 where the obligations of the Constitutional Court are expressed in "Specialists and obligations of the Constitutional Court". A portion of the powers of the Constitutional Court are then affirmed in article 10 section 1 of Regulation Number 24 of the Constitutional Court, which clears up that the Constitutional Court has the expert for go with first and only choices. A choice arrives at the last level to survey regulations against the 1945 Constitution, then the Constitutional Court has the capability to determine questions in regards to the power of state foundations approved by the 1945 Constitution. At that point, the Constitutional Court has the skill to settle on the disintegration of ideological groups lastly the Constitutional Court has the power to conclude political race debates. Up to that point, the undertaking of the Constitutional Court is to give a choice on the DPR's request with respect to supposed protected infringement committed by the President or potentially VP. The execution of the Constitutional Court's power is additionally directed in Regulation Number 8 of 2011 concerning Alterations to the Constitutional Court Regulation, truncated as UUUMK. The overall clarification of the Constitutional Court Regulation is that the undertaking of the Constitutional Court is to determine explicit protected issues to guarantee

capable consistence with the Constitution, the desire of individuals, and the vote based ideal of individuals' power.

This is because of contrasts in understanding of the Constitution. As a court, the Constitutional Court has the position to considerably and officially survey legitimate standards for infringement of the Constitution. In handling demands for formal audit in view of Article 51A of the Law on Alterations to the Constitutional Court, the survey and choices of the Constitutional Court depend on the Authoritative Guidelines which direct the strategies for shaping legal guidelines. In the Constitutional Court Technique Regulation, material audit is directed in Articles 50 to 60 of the Constitutional Court Regulation, the Law on Changes to the UUMK, and Constitutional Court Guideline Number 06/PMK/2005 concerning Rules for Legal Survey Cases.

### **1. Comprehend The Items in Constitutional Court Choice Number 90/PUUXXI/2023**

The application for legal survey on the off chance that Number 90/PUU-XXI/2023 was at first put together by an understudy named Almas, Surakarta State College (UNS) in Tsakibiru. With respect to Applicant's legitimate circumstance and loss of freedoms, the Candidate in appeal number expressed that it depended on Article 51 Passage 1 of Regulation Number 2003 Number 24 of 2003 concerning the Constitutional Court Joe Regulation Number 7 of 2020 concerning the Third Revision to Regulation Number 24 of 2003 . In the sacred assessment in view of Article 169 q of Regulation Number 7 of 2017, assuming the candidate just depends on the candidate's longing to become president and is upheld by the City hall leader of Surakarta, Gibran Rakabming Raka, then the candidate can rouse, then this case brings up issues about the candidate's situation in recording the claim. The Solicitor's lawful position is feeble on the grounds that he didn't express the protected misfortune obviously in light of

the fact that the premise of his misfortune was exclusively founded on his esteem for Gibran Rakabumin Raka as City chairman of Surakarta. For this situation, the clarification of the candidate's established disability won't influence the appeal in regards to the proposed elective circumstances presented by the candidate in regards to chose authorities, and the clarification of the candidate's sacred impedance won't influence the application and the elective prerequisites proposed by the candidate, have different implications conflicting with the justification behind the request is connected with the candidate. The issue of lawful status is that the candidate is not mature enough to be a possibility for territorial head, the candidate is certainly not a provincial head and is not an individual from the DPR, and the candidate is not president or a contender for president and VP.

## 2. Sees Among Equity and Political Morals

Equity is the principal establishment in keeping up with balance in the public arena, remembering for the political setting.<sup>7</sup> Political morals likewise assumes a vital part in guaranteeing that each choice and move made by the public authority or state establishments depends on right virtues and standards.<sup>8</sup> One organization that plays a major part in maintaining equity and political morals is the Constitutional Court.<sup>9</sup> The Constitutional Court capabilities as the gatekeeper of the constitution and mediator of fundamental regulations so it has the ability to guarantee that all moves made by the public authority are as per the standards of equity and vote based values, .

---

<sup>7</sup> D. R. Oktaria N., *et.al.*, "Penyelesaian Tindak Pidana Pencemaran Nama Baik Melalui Restorative Justice", *Jurnal Kewarganegaraan*, Vol. 7, No. 1, 2023, p. 1195-1201.

<sup>8</sup> A. Amanda, Z., Ananda F.S., and H., Hasna H., "Analisis Etika Dan Moral: Skandal Korupsi Menteri Pertanian", *Nusantara Journal of Multidisciplinary Science*, Vol. 1, No. 5, 2023, p. 1093-1103.

<sup>9</sup> S. Suparto, "Perlunya Amandemen Terhadap Pasal 24 B Ayat (1) UUD 1945 Dalam Rangka Pengawasan Terhadap Hakim Konstitusi", *Borneo Law Review*, Vol. 4, No. 1, 2020, p. 31-44.

In the lawful clarification conveyed by Protected Equity M. Guntur Hamzah, the Constitutional Court is of the assessment that filling public positions,<sup>10</sup> particularly President and VP, requirements to include the support of up-and-comers who have quality and experience. As to execution and oversight of public approaches, a few public positions have different age prerequisites for nomination.<sup>11</sup> For example, president and VP who have an age cutoff of 40 years, while lead representative positions have an age breaking point of 30 years, officials and City chairmen have an age cutoff of 25 years, and DPR individuals, DPD individuals and DPRD individuals have an age cutoff of 21 years. With regards to the Constitutional Court's choice in regards to the age limit for official applicants, it is vital to focus on what this choice can mean for the overall influence and political support. An improper or out of line choice can significantly affect a vote based system and political steadiness in a nation. The contention in regards to the age limit for official and vice-presidential applicants at last arrived at its last point with the choice on the appeal presented by Surakarta College understudy, Almas Tsaqibbirru In the event that Number 90/PUU-XXI/2023. In this choice, the Constitutional Court gave halfway endorsement to the appeal testing the legitimacy of Article 169 letter q of Regulation Number 7 of 2017 concerning General Decisions (Political race Regulation).<sup>12</sup>

As Article 169 letter q of Regulation Number 7 of 2017 concerning General Races, which draws a base age line of 40 years, is viewed as not as per the 1945 Constitution of the Republic of Indonesia and doesn't have restricting legitimate power. In

---

<sup>10</sup> K. Sabrina & S. Khalid, "Analisis Pemberhentian Hakim Mahkamah Konstitusi Aswanto Oleh Dewan Perwakilan Rakyat Ditinjau Dari Ketatanegaraan Di Indonesia", *Jurnal Repository UIN Sumatera Utara*, Vol. 9, No. 2, 2023, p. 815-824.

<sup>11</sup> A. Koswara, W. Guntara, D. Abas, & M. Lubis, "Analisis Yuridis Pemberhentian Hakim Mahkamah Konstitusi Oleh Dewan Perwakilan Rakyat Republik Indonesia Dihubungkan Dengan Undang-Undang Nomor 7 Tahun 2020 Tentang Perubahan Ketiga Atas Undang-Undang Nomor 24 Tahun 2003 Tentang Mahkamah Konstitusi", *UNES Law Review*, Vol. 6, No. 1, 2023, p. 2428-2436.

<sup>12</sup> M. S. H. Khobiburrohman, E. N. Margareta, & P. S. Hasbullah, "Penerapan Sistem Merit Dalam Birokrasi Indonesia Untuk Mewujudkan Good Governance. Transparansi", *Jurnal Ilmiah Ilmu Administrasi*, Vol. 3, No. 2, 2020, p. 139-148.

reporting his choice, the Central Equity of the Constitutional Court, Anwar Usman, underlined that the age limit could be viewed as unimportant on the off chance that it was not deciphered as a base age of 40 years or having experience in standing firm on footings chose through broad races, including provincial head decisions. The Constitutional Court's choice to change the guidelines with respect to the base age limit during the political race year led to a questioning that appeared to be hurried and the public felt that there had been political disturbance that had discolored the mainstays of a majority rule government. Not a couple of individuals are concerned that this choice will cross with the interests of the up-and-comer, so this drives the requirement for the strategy to be seen all the more profoundly utilizing an axiological focal point. According to an axiological viewpoint, questions in regards to equity and political morals become focal when the Constitutional Court pursues choices with respect to the age limit for official competitors.<sup>13</sup>

Axiology as a part of reasoning that reviews values and morals, is the reason for understanding the ethical ramifications and standards engaged with laying out these principles. The Constitutional Court's choice in regards to the age limit for official up-and-comers ponders profound reflection the upsides of equity in political cooperation.<sup>14</sup> Moral contemplations incorporate the grasping that each person, paying little mind to mature, has the privilege to partake in the majority rule process. In the interim, from a political morals point of view, the Constitutional Court should consider how this strategy can make a fair reason for each resident who needs to campaign for office without separation in light old enough. In this manner, when the Constitutional Court pursues choices in regards to the age limit for official

---

<sup>13</sup> M. G. Azizzi, "Tinjauan Yuridis Terhadap Kewenangan Kip Dalam Melaksanakan Pilkada Di Aceh (Studi Kajian Terhadap UUPA Dan Undang-Undang Nomor 6 Tahun 2020 Tentang Pemilihan Gubernur, Bupati, Dan Walikota)", *UIN Ar-Raniry Fakultas Syariah Dan Hukum*, 2023, p. 55.

<sup>14</sup> Alfaisyi, M. D., *et.al.*, "Meningkatkan Partisipasi Politik Masyarakat Pada Pemilu Melalui Pendidikan Demokrasi", *Jurnal Kajian Hukum Dan Pendidikan Kewarganegaraan*, Vol. 1, No. 1, 2022, p. 151-161.

competitors, the axiological viewpoint gives a top to bottom perspective on the upsides of equity and political morals.

It is trusted that the choice will mirror a savvy balance between protecting the trustworthiness of a majority rule government and guaranteeing fair political support freedoms for each resident, making a strong moral starting point for a comprehensive political framework. The five-year political execution mirrors the pith of democratization in a nation or is otherwise called a proper method for a majority rule government. In this stage, the turn of force is portrayed which is viewed as a component of addressing the interests of society. The coming political challenge, specifically on February 14 2024, has achieved progressively serious political elements among members and the piece of ideological groups. Ideological groups have an established order as enlistment organizations for government positions,<sup>15</sup> including President and VP. In the domain of a majority rule government, the overall political decision process is a significant achievement that decides the heading of a nation's strategy.

One basic perspective in the appointment of president and VP is the age prerequisite, which is controlled by Article 169 letter q of Regulation Number 7 of 2017 concerning General Decisions. This article solidly expresses that official up-and-comers and vice-presidential applicants should be no less than 40 years of age. In the turbulent enrollment of official and vice-presidential up-and-comer matches in October, an amazing political dynamic was felt, to be specific the testing stage for the base age limit for official and vice-presidential competitors at the Constitutional Court. This application talks about the base age necessity for running for president and VP, specifically 40 years.<sup>16</sup>

---

<sup>15</sup> S.J. Kaputani, "Implementasi Fungsi Partai Politik Sebagai Sarana Rekrutmen Politik (Studi Pada Partai Nasdem Halmahera Utara Dalam Pelaksanaan Pilkada 2020)", *Jurnal Ilmu Politik*, Vol. 10, No. 2, 2021, p. 34.

<sup>16</sup> S. Waworuntu, "Tinjauan Yuridis Mengenai Hak Pilih Masyarakat Dalam Pemilihan Umum Di Indonesia Yang Belum 17 Tahun Tetapi Sudah Menikah", *Lex Administratum*, Vol. 10, No. 5, 2022, p. 57.

In the interim, as of now the candidates are 35 years of age, so basically the base age limit for official and vice-presidential applicants can be set to 35 years, expecting that these youthful pioneers have the experience to run as official and vice-presidential competitors. As per the Solicitors, this standard is in opposition to ethical quality and objectivity since it brings about the seeds of segregation as contained in Article 28D section (3) of the 1945 Constitution which peruses " Everyone has the right to freedom of association, assembly and expression".

However, on October 16 2023, the Constitutional Court decided to reject the petition regarding the age requirements for presidential and vice-presidential candidates. The Constitutional Court stated that the lawsuit to reduce the minimum age limit for presidential and vice-presidential candidates is actually a moral violation, injustice and discrimination which will create dynamics in the future and the flexibility of the institution will be lost. The Constitutional Court referred to the original meaning of Article 6 Paragraph (2) of the 1945 Constitution as well as previous decisions regarding age limits for public office. All of these decisions emphasize that these regulations are the authority of law makers or open legal policies. The Constitutional Court concluded that there were no constitutional issues in the age regulations for presidential and vice-presidential candidates which could be a basis for taking over the authority of the government and the DPR.

In the process that occurred during the application for minimum age requirements for presidential and vice presidential candidates, it was seen that the Constitutional Court had applied inconsistently, where previously there had been rejections of applications for judicial review by a number of political parties and other public figures, which could be interpreted as meaning that the Constitutional Court considered the minimum age limits for presidential and vice presidential candidates to be relevant to their duties. and the responsibilities of the president and vice



president. However, the Constitutional Court's decision to grant the request for judicial review submitted by Almas Tsaqibbirru actually contradicts the previous decision.

#### **D. Conclusion**

The Constitutional Court has a very important role in upholding justice and political ethics regarding the age limit for presidential candidates. The Constitutional Court's decision regarding the age limit for presidential candidates is considered from an axiological perspective, which takes into account the values of justice and political ethics. Apart from that, it can also be seen the constitutional role, government legitimacy and electoral philosophy in the context of general elections. Election philosophy asks critical questions about court decisions in the context of general elections, while axiology discusses intrinsic and instrumental values and the hierarchy of values. The Constitutional Court's decision regarding the age limit for presidential and vice presidential candidates is also related to legal and constitutional aspects. Even though there is no direct connection between the axiology and the Constitutional Court's decision, the ethical and values implications can be seen in the context of changes to the rules regarding the age limits for presidential and vice-presidential candidates. The Constitutional Court's decision reflects the application of the values of democracy and justice in the context of general elections, but also raises ethical questions regarding age restrictions and inclusivity in political participation. The five-year political implementation reflects the essence of democratization in a country, with the general election process being an important milestone that determines the direction of a country's policy.

The idea of a rule of law was implemented through the establishment of the Constitutional Court, which placed the constitution as the highest book, and even

contributed greatly to the formation of a democratic rule of law. The 1945 Constitution gives the Constitutional Court the authority to review laws, which is the ultimate act of judicial power. Due to the importance of the authority and existence of the Constitutional Court throughout the world, every decision made by the Constitutional Court must be fair and universally acceptable as a fair legal solution for all litigants and the general public. If Constitutional Justices apply the principles of independence and impartiality stipulated by the Constitutional Court Regulations, this fair legal solution will occur. This just legal solution will be created if the Constitutional Court carries out and applies the principles of independence and impartiality that have been stipulated in the Constitutional Court Regulations, so that the independence and independence of the Constitutional Court, both individually and as an institution, can be free from various influences. A Constitutional Court that has integrity and a personality that is beyond reproach, is fair, and is a statesman who understands the constitution and state administration will make the Constitutional Court an authoritative, dignified and trustworthy judiciary.

## **Bibliography**

### **Books**

Hadita, C., 2021, *Pancasila: Perspektif Ketatanegaraan Dan Paradigma Ajaran Islam*, Penerbit Enam Media, Medan.

Santoso, Topo Dan Ida Budhiati, 2019, *Pemilu Di Indonesia Kelembagaan, Pelaksanaan, Dan Pengawasan*, Sinar Grafika, Jakarta.

### **Journals**

Agung, Bayu Adji, *et.al.*, "Konstitusionalitas Perubahan Usia Calon Presiden Dan Calon Wakil Presiden Dalam Negara Hukum Demokrasi", *Jurnal Riset Ilmiah*, Vol. 3, No. 1, 2024.

- Alfarisyi, M. D., *et.al.*, “Meningkatkan Partisipasi Politik Masyarakat Pada Pemilu Melalui Pendidikan Demokrasi”, *Jurnal Kajian Hukum Dan Pendidikan Kewarganegaraan*, Vol. 1, No. 1, 2022.
- Atika Wahyuni Dekananda dan Akmaluddin Syahputra, “Tinjauan Fiqh Siyasah Terhadap Putusan Mahkamah Konstitusi No. 90/Puu-Xxi/2023 Tentang Batas Usia Capres Dan Cawapres”, *Jurnal Ilmu Hukum, Humaniora Dan Politik (Jihhp)*, Vol 4, No. 3, 2024.
- Azizzi, M. G., “Tinjauan Yuridis Terhadap Kewenangan Kip Dalam Melaksanakan Pilkada Di Aceh (Studi Kajian Terhadap Uupa Dan Undang-Undang Nomor 6 Tahun 2020 Tentang Pemilihan Gubernur, Bupati, Dan Walikota)”, *Uin Ar-Raniry Fakultas Syariah Dan Hukum*, 2023.
- Kaputeni, S. J., “Implementasi Fungsi Partai Politik Sebagai Sarana Rekrutmen Politik (Studi Pada Partai Nasdem Halmahera Utara Dalam Pelaksanaan Pilkada 2020)”, *Jurnal Ilmu Politik*, Vol. 10, No. 2, 2021.
- Khobiburrohman, E. N., *et.al.*, “Penerapan Sistem Merit Dalam Birokrasi Indonesia Untuk Mewujudkan Good Governance, Transparansi”, *Jurnal Ilmiah Ilmu Administrasi*, Vol. 3, No. 2, 2020.
- Koswara, W., *et.al.*, “Analisis Yuridis Pemberhentian Hakim Mahkamah Konstitusi Oleh Dewan Perwakilan Rakyat Republik Indonesia Dihubungkan Dengan Undang-Undang Nomor 7 Tahun 2020 Tentang Perubahan Ketiga Atas Undang-Undang Nomor 24 Tahun 2003 Tentang Mahkamah Konstitusi”, *Unes Law Review*, Vol. 6, No. 1, 2023.
- Naway, Dian Rizqi Oktaria, “Penyelesaian Tindak Pidana Pencemaran Nama Baik Melalui Restorative Justice”, *Jurnal Kewarganegaraan*, Vol. 7, No. 1, 2023.
- Sabrina, S., & Khalid, K., “Analisis Pemberhentian Hakim Mahkamah Konstitusi Aswanto Oleh Dewan Perwakilan Rakyat Ditinjau Dari Ketatanegaraan Di Indonesia: Analisis Pemberhentian Hakim Mahkamah Konstitusi Aswanto Oleh Dewan Perwakilan Rakyat Ditinjau Dari Ketatanegaraan Di Indonesia”, *Jurnal Repository Uin Sumatera Utara*, Vol. 9, No. 2, 2023.
- Sagala, E., “Rekonstruksi Regulasi Perjanjian Kawin Pasca Putusan Mahkamah Konstitusi Berbasis Nilai Keadilan Pancasila”, *Universitas Islam Sultan Agung*, 2023.

- Subandri, Rio., “Tinjauan Yuridis Putusan Mahkamah Konstitusi Nomor 90/Puu-Xxi/2023 Tentang Persyaratan Batas Usia Pencalonan Presiden Dan Wakil Presiden”, *Jurnal Kajian Ilmu Hukum Dan Politik*, Vol. 2, No. 1, 2024.
- Suparto, S., “Perlunya Amandemen Terhadap Pasal 24 B Ayat (1) UUD 1945 Dalam Rangka Pengawasan Terhadap Hakim Konstitusi”, *Borneo Law Review*, Vol. 4, No. 1, 2020, 31–44.
- Syarifudin, Ateng. “Menuju Penyelenggaraan Pemerintahan Negara Yang Bersih Dan Bertanggungjawab”, *Jurnal Pro Justisia*, Vol. 5, 2020.
- Waworuntu, S. “Tinjauan Yuridis Mengenai Hak Pilih Masyarakat Dalam Pemilihan Umum Di Indonesia Yang Belum 17 Tahun Tetapi Sudah Menikah”, *Lex Administratum*, Vol. 10, No. 5, 2022.
- Zakaria, Adelia Amanda, *et.al.*, “Analisis Etika Dan Moral: Skandal Korupsi Menteri Pertanian. Nusantara Journal Of Multidisciplinary Science”, *Nusantara Journal Of Multidisciplinary Science*, Vol. 1, No. 5, 2023.