



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 92/PUU-XXI/2023**

Concerning

**Minimum Age Requirements for Presidential
and Vice-Presidential Candidates**

Petitioner	: Melisa Mylitiachristi Tarandung
Type of Case	: Judicial Review of Law Number 7 of 2017 concerning General Election (Law 7/2017) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	: Review of Article 169 letter q of Law 7/2017 against Article 17, Article 28C paragraph (1), Article 28D paragraph (1) and paragraph (3), Article 28I paragraph (1), paragraph (2) and paragraph (4) and Article 28J paragraph (1) of the 1945 Constitution
Verdict	: To declare that Petitioner's petition is inadmissible
Date of Decision	: Monday, 16 October 2023
Overview of Decision	:

Whereas the Petitioner is an Indonesian citizen, and a prospective advocate who believes that she is harmed by the enactment of the provisions regarding the minimum age requirements for presidential and vice presidential candidates. Whereas the Petitioner is an adult because she is currently 27 (twenty-seven) years old, she is considered to be competent to conduct legal action, therefore she has equal rights to be elected as a Presidential or Vice Presidential Candidate. The Petitioner is registered as a voter in the 2024 General Election in accordance with DPT (*Daftar Pemilih Tetap* or Permanent Voter List) Data at TPS (*Tempat Pemungutan Suara* or Voting Place) Number 1, Pahaleten Sub-District, Kakas District, Minahasa Regency, North Sulawesi Province. According to the Petitioner, as an Indonesian citizen who has the right to vote, the law should allow various options of presidential or vice presidential candidates, instead of only those who are at least 40 (forty) years of age, people should also be given the options to choose a Presidential or Vice President Candidate whose age is at least 25 (twenty-five) years.

Whereas the Petitioner's petition is a petition to review the constitutionality of statutory norms, *in casu* Law 7/2017 against the 1945 Constitution, therefore the Court has the authority to examine the *a quo* petition.

Whereas in its consideration, before considering further the *a quo* petition of the Petitioner, the Court must first consider that the object of the *a quo* petition is a review of the norms of Article 169 letter q of Law 7/2017, which is no different from the object of the petition in Case Number 90/PUU-XXI/2023. Meanwhile, regarding the Case Number 90/PUU-XXI/2023, the Court has handed down its Decision on the *a quo* Petition, regarding Article 169 letter q of Law 7/2017, the Court has stated its stance, as intended in the Constitutional Court Decision Number 90/PUU-XXI/2023 dated 16 October 2023.

Whereas in such decision there were 4 (four) Constitutional Justices who had dissenting opinions, namely Constitutional Justice Wahiduddin Adams, Constitutional Justice Saldi Isra, Constitutional Justice Arief Hidayat, and Constitutional Justice Suhartoyo, but because the substance of the norms of Article 169 letter q of Law 7/2017 has been granted in part, the formulation of the *a quo* Article which reads "at least 40 (forty) years of age"; has been declared to be contrary to the 1945 Constitution and shall have no binding legal force, to the extent that it is not interpreted as "at least 40 (forty) years of age or has/is currently holding a position elected through general elections including the regional head elections", then in fact, the interpretation as declared in the Constitutional Court Decision Number 90/PUU-XXI/2023 shall apply to the provisions of the norms of Article 169 letter q of Law 7/2017 and the norms as stated in the object of the *a quo* petition shall no longer be valid nor has binding legal force. Therefore, the norms of Article 169 letter q of Law 7/2017 which is stated to be the object of the *a quo* petition has a new interpretation that has been in effect since the Constitutional Court Decision Number 90/PUU-XXI/2023 was declared [*vide* Article 47 of the Constitutional Court Law]. Therefore, regardless of whether the *a quo* petition fulfils the provisions of Article 60 of the Constitutional Court Law and Article 78 of Constitutional Court Regulation Number 2 of 2021 concerning Procedures in Judicial Review Cases or not, the Petitioner's petition has lost its object.

Whereas since the *a quo* petition has lost its object, the Court is of the opinion that it is no longer relevant to consider the Petitioner's Legal Standing and the Subject Matter of the Petition. Pursuant to all the considerations above, the Court is of the opinion that the petition of the Petitioner has lost its object. Other matters shall not be considered further because they are deemed to be irrelevant.

In accordance with the aforementioned consideration, the Court handed down a decision whose verdict states that the Petitioner's petition is inadmissible.