



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 96/PUU-XXI/2023**

Concerning

Minimum Age Requirements for Presidential Candidates and Vice-Presidential Candidates

Petitioner	: Riko Andi Sinaga
Type of Case	: Judicial Review of Law Number 7 of 2017 concerning General Elections (Law 7/2017) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
Subject Matter	: Judicial Review of Article 169 letter q of Law 7/2017 against the 1945 Constitution
Verdict	: To declare that the petition of the Petitioner is inadmissible
Date of Decision	: Monday, 23 October 2023
Overview of Decision	:

The Petitioner is an individual Indonesian citizen aged 29 years who wishes to run for President and Vice President in the future, the Petitioner believes that he has the right to vote and to be elected as stipulated in Article 27 paragraph (1) and Article 28D paragraph (1) of the 1945 Constitution but such right is harmed by the enactment of the provisions regulated in Article 169 letter q of Law 7/2017.

Whereas regarding the authority of the Court, because the petition submitted by the Petitioner is a petition for judicial review of the constitutionality of statutory norms, *in casu* material review of the norms of Article 169 letter q of Law 7/2017 against the 1945 Constitution, the Court has the authority to hear the *a quo* petition.

Whereas before considering further the *a quo* petition of the Petitioner, the Court shall first consider the object of the *a quo* petition which is a review of the norms of Article 169 letter q of Law 7/2017, such object is the same as the object of the petition in Case Number 90/PUU-XXI/2023. Meanwhile, regarding Case Number 90/PUU-XXI/2023, the Court has handed down its Decision on the *a quo* Case which was declared in a plenary session open to the public on 16 October 2023, the Court has declared its stance regarding Article 169 letter q of Law 7/2017 as intended in the Constitutional Court Decision Number 90/PUU-XXI/2023, which states:

1. Granting the Petitioner's petition in part;
2. Declaring that Article 169 letter q of Law Number 7 of 2017 concerning General Election (State Gazette of the Republic of Indonesia 2017 Number 182, Supplement to State Gazette of the Republic of Indonesia Number 6109) which states, "at least 40 (forty) years of age" is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force provided that it is not interpreted as "at least 40 (forty) years of age or has held/is currently holding a position elected through general elections, including regional head elections." Therefore, Article 169 letter q of Law Number 7 of 2017 concerning General Election in full shall be read "at least 40 (forty) years of age or has held/is currently holding a position elected through general elections including regional head elections";
3. Ordering this decision to be published in the State Gazette of the Republic of Indonesia as appropriate.

Therefore, regardless of the fact that in the *a quo* decision there were Constitutional Justices who had concurring opinions and dissenting opinions, the norms of Article 169 letter q of Law 7/2017 which is the object of the *a quo* petition has been given new interpretation which shall be valid since the declaration of the Constitutional Court Decision Number 90/PUU-XXI/2023 [*vide* Article 47 of the Constitutional Court Law], while the object as stated in the Petitioner's petition shall no longer be valid. 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 argument in relation to the review of the unconstitutionality of the norms of Article 169 letter q of Law 7/2017 has lost its object. 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.

Whereas pursuant to all the considerations above, the Court is of the opinion that the Petitioner's petition has lost its object and other matters shall not be considered further because they are deemed to be irrelevant, subsequently the Court handed down a decision whose verdict states that the Petitioner's petition is inadmissible.