



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 107/PUU-XXI/2023**

Concerning

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

Petitioner	: Rudy Hartono
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	: Review of Article 169 letter q of Law 7/2017 against Article 28D paragraph (1) and paragraph (3) of the 1945 Constitution
Verdict	: To declare that the petition of the Petitioner is inadmissible
Date of Decision	: Monday, 23 October 2023
Overview of Decision	:

Whereas the Petitioner is an Indonesian citizen, and an advocate who believes that he is harmed by the enactment of the minimum and maximum age limits requirements for presidential and vice presidential candidates. According to the Petitioner, as an Indonesian citizen who has the right to vote, if the presidential and vice presidential candidates are over 70 years old, his/her leadership is considered less effective because he/she is prone to health problems and is ineffective in determining policy, therefore the rights of the Petitioner to be led by a healthy head of state would not be unrealized.

Regarding the Court's Authority, since the Petitioner petitions for a review of 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 further considering the Petitioner's *a quo* petition, the Court shall first consider the object in 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 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 verdict of the Constitutional Court Decision Number 90/PUU-XXI/2023 dated 16 October 2023.

Whereas 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.

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 Petitioner's petition has lost its object. Other matters shall not be considered further because they are deemed to be irrelevant.

Pursuant to the aforementioned considerations, subsequently the Court handed down a decision whose verdict states that the Petitioner's petition is inadmissible.