



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 91/PUU-XXI/2023**

Concerning

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

Petitioner	: Arkaan Wahyu Re A
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)
Type of Case	: Article 169 letter q of Law 7/2017 is contrary to the 1945 Constitution
Verdict	: To declare that the Petitioner's petition is inadmissible
Date of Decision	: Monday, 16 October 2023
Overview of Decision	:

The Petitioner is an individual citizen who believes that he is harmed by the norms of Article 169 letter q of Law 7/2017 which limits the minimum age requirements for Presidential and Vice Presidential candidates. The Petitioner believes that these conditions hinder the Petitioner's right to be elected in the President and Vice President election, because he is not yet 40 years old.

Regarding the Court's Authority, because the Petitioners petition for a review of the constitutionality of norms of law, *in casu* Article 169 letter q of Law 7/2017 against 1945 Constitution, since it is one of the authority of the Court, therefore the Court has the authority to hear the *a quo* petition.

Before the Court considers the Petitioner's legal standing and the subject matter of the Petitioner's petition, the Court shall first consider the fact that the Petitioner submitted a Petition dated 3 August 2023 and it was received by the Court on 4 August 2023 and then recorded in the constitutional case registration book as case number 91/PUU-XXI/2023. Regarding this case, the Court has held a preliminary hearing with an agenda of examining the Petitioner's Petition on 7 September 2023 and the next preliminary hearing with an agenda of examining revisions to the Petitioner's Petition on 20 September 2023, then on 29 September 2023 the Court received the withdrawal of petition in a letter dated 26 September 2023, signed by the Petitioner's legal attorneys, and on 30 September 2023 the Court then received a letter requesting a cancellation of the withdrawal of the petition in a letter dated 29 September 2023. Regarding this matter, pursuant to the Justices' Deliberative Meeting, the Court reassigned the *a quo* case panel to conduct a preliminary hearing with the agenda of confirming the Petitioner's petition, which then was held on 3 October 2023. Pursuant to the confirmation hearing, the Court has received clarity and certainty that the Petitioner wishes to continue the *a quo* petition.

Therefore, the Court shall dismiss the withdrawal of the *a quo* petition and will then consider the Petitioner's petition.

Before considering the Petitioner's petition further, the Court shall 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 Case Number 90/PUU-XXI/2023, the Court has handed down its Decision on the *a quo* Case which has been declared previously, 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 this 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. However, 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"; is declared to be contrary to the 1945 Constitution and does not have binding legal force, provided 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 regional head elections", then in fact regarding the provisions of the norms of Article 169 letter q Law 7/2017, the interpretation stated in the Constitutional Court Decision Number 90/PUU-XXI/2023 is valid and has binding legal force and not the norms described as the object of the *a quo* petition. Therefore, the norms of Article 169 letter q of Law 7/2017 described as the object of the *a quo* petition has had 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.

Therefore, the Court subsequently handed down a decision whose verdict states that the Petitioner's petition is inadmissible.