



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 148/PUU-XXI/2023**

Concerning

**Age Limit Requirements for Presidential Candidates and Vice-Presidential
Candidates as Interpreted in Decision Number 90/PUU-XXI/2023**

Petitioners	: Fatikhatus Sakinah, et al.
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	: Judicial Review of Article 169 letter q of Law 7/2017 as interpreted by the Constitutional Court in the Decision of the Constitutional Court Number 90/PUU-XXI/2023 regarding Article 1 paragraph (3), Article 27 paragraph (1), Article 28D paragraph (1) and paragraph (3) of the 1945 Constitution
Verdict	: To dismiss the petition of the Petitioners
Date of Decision	: Monday, January 16, 2023
Overview of Decision	:

Whereas the Petitioners are Indonesian citizens who have the same constitutional rights to elect and/or be elected as presidential and vice presidential candidates.

Whereas regarding the authority of the Court, because the Petitioners petition for a constitutionality review of statutory norms, *in casu* material review of norms of Article 169 letter q of Law Number 7 of 2017 concerning General Elections (Law 7/2017) as interpreted by the Constitutional Court in the Decision of the Constitutional Court Number 90/PUU-XXI/2023 against the 1945 Constitution, the Court has the authority to hear the *a quo* petition.

Whereas regarding the legal standing of the Petitioners, the Petitioners have been able to describe the existence of a causal relationship (*causal verbaand*) between constitutional rights which are considered to be potentially injured by the enactment of the norms of Article 169 letter q of Law 7/2017 as interpreted by the Court in the Decision of the Constitutional Court Number 90/PUU-XXI/2023, namely the existence of legal uncertainty and constitutionality issues regarding the lack of clarity in the type of regional head election. The potential injury of constitutional rights as referred to will no longer occur if the petition of the Petitioners is granted. Therefore, the Petitioners have the legal standing to act as Petitioners in the review of the norms of Article 169 letter q of Law 7/2017 as interpreted in the Decision of the Constitutional Court Number 90/PUU-XXI/2023.

Whereas since the *a quo* petition is clear, therefore, pursuant to Article 54 of the Constitutional Court Law, the Court is of the opinion that there is no urgency and relevance in hearing the statements of the parties as referred to in Article 54 of the Constitutional Court Law.

Whereas before considering the arguments of the subject matters of the Petitioners' petition, the Court shall first considers whether or not the Petitioners' petition could be re-submitted, taking into account that the norms of Article 169 letter q of Law 7/2017 as interpreted in the Decision of the Constitutional Court Number 90/PUU-XXI/2023 had previously been reviewed and had been decided in the Decision of the Constitutional Court Number 141/PUU-XXI/2023 which was declared in a trial open to the public on 29 November 2023. Therefore whether the *a quo* petition of the Petitioners is legally justifiable or not, pursuant to the provisions of Article 60 paragraph (2) of Constitutional Court Law and Article 78 paragraph (2) of Constitutional Court Regulation 2/2021, formally the *a quo* petition may be re-submitted.

Whereas the Decision of the Constitutional Court Number 90/PUU-XXI/2023 remains valid and binding and must be obeyed by all citizens including the state institutions from the moment it is declared in a plenary session open to the public. Therefore, the provisions of the norms of Article 169 letter q of Law 7/2017, which are valid juridically and which have binding legal force, are the norms as interpreted by the Court in the Decision of the Constitutional Court Number 90/PUU-XXI/2023.

Whereas there are efforts to adjust the minimum age requirements for presidential candidates and vice presidential candidates as stated in Article 169 letter q of Law 7/2017 as interpreted in the Decision of the Constitutional Court Number 90/PUU-XXI/2023. In fact, as confirmed in the Decision of the Constitutional Court Number 90/PUU-XXI/2023, the requirement of 40 years of age is applied for the elected officials including all regional head elections. However, as confirmed in the Decision of the Constitutional Court Number 141/PUU-XXI/2023, if the legislators wish to adjust the minimum age requirements for presidential candidates and vice presidential candidates for the next elections starting in the 2029 elections, then this matter is within the authority of the legislators. Therefore, the Petitioners' concerns which stated that there is a possibility of multiple interpretations of the Decision, that it is unclear whether the Decision refers to the provincial head election or the district/municipal head election, such concerns are unreasonable or unjustifiable.

Pursuant to the aforementioned legal considerations, the Court is of the opinion that the arguments of the Petitioners are legally unjustifiable in its entirety.

The Court subsequently passed down a decision which verdict states to dismiss the Petitioners' petition.