



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 99/PUU-XXII/2024**

**Concerning
Requirements for Regional Head and Deputy Regional Head Candidate Pairs**

- Petitioner** : **Aufaa Luqmana Rea**
- Type of Case** : Judicial Review of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Determination of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law (Law 10/2016) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
- Subject Matter** : Judicial Review of Article 7 paragraph (1) and Article 7 paragraph (2) letter E of Law 10/2016 against the 1945 Constitution
- Verdict** : **On Preliminary Injunction:**
To dismiss the petition for preliminary injunction of the Petitioner
On the Merits:
To dismiss the Petitioner's petition in its entirety
- Date of Decision** : Tuesday, 20 August 2024
- Overview of Decision** :

The Petitioner as an Indonesian citizen residing in Central Java is registered as a voter for the 2024 Central Java Governor/Deputy Governor Regional Head Election, the voting of which is scheduled on 27 November 2024 (the Petitioner is registered as a voter for the 2024 Central Java Governor Election). The Petitioner wishes that the candidates for governor/deputy governor of Central Java to meet the age requirement of 30 years at the time of voting on 27 November 2024 in accordance with the applicable provisions to ensure the legal certainty and equal treatment in government.

Regarding the Court's authority, since the Petitioner petitions for a review of the constitutionality of the norms of law, *in casu* Article 7 paragraph (2) letter e of Law 10/2016 against 1945 Constitution, the Court has the authority to hear the *a quo* petition.

Regarding the Petitioner's legal standing, regardless of whether or not the unconstitutionality of the norm being petitioned for review is proven, the Court is of the opinion that the Petitioner has the legal standing to act as a Petitioner in submitting the *a quo* Petition.

The Petitioner's petition is a review of the constitutionality of the law, *in casu* Article 7 paragraph (2) letter e of Law 10/2016 against the 1945 Constitution of the Republic of Indonesia, therefore the Court has the authority to hear the Petitioner's petition;

Regarding the Petitioner's petition for preliminary injunction, since the *a quo* petition of the Petitioner is decided without a Plenary Session, the agenda of which includes hearing the statements from the Legislators, namely the House of Representatives and the President, as referred to in Article 54 of the Constitutional Court Law, therefore the Court is of the opinion that it is not relevant to further consider the Petitioner's *a quo* petition for preliminary injunction. Therefore, the Petitioner's petition for preliminary injunction is legally unjustifiable.

Whereas according to the Petitioner, the provisions of Article 7 paragraph (2) letter e of Law 10/2016, do not determine the point of calculation for the minimum age requirement of 30 (thirty) years for the candidates of governor and deputy governor and 25 (twenty-five) years for the candidates of regent and deputy regent or candidates of mayor and deputy mayor, when in fact there are several election stages that must be passed. The multiple interpretations of Article 7 paragraph (2) letter e of Law 10/2016 have violated the Petitioner's right to obtain fair legal certainty as regulated in Article 27 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, namely "Everyone has the right to recognition, guarantees, protection and fair legal certainty and equal treatment before the law." In addition, the said multiple interpretations in determining the minimum age requirements will give rise to legal uncertainty and injustice which are contrary to Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia which states, "Everyone has the right to recognition, guarantees, protection and fair legal certainty and equal treatment before the law."

Whereas since the constitutionality issue of the norm of the *a quo* petition is substantially the same as Case Number 70/PUU-XXII/2024, the legal considerations of the Constitutional Court Decision Number 70/PUU-XXII/2024 *mutatis mutandis* also applies as legal considerations in reviewing the constitutionality of the norm of Article 7 paragraph (2) letter e of Law 10/2016 which is being petitioned for review by the Petitioner in the *a quo* case. In this case, in accordance with the legal considerations of the Constitutional Court Decision Number 70/PUU-XXII/2024, the Court interprets that the calculation point or limit in determining the minimum age requirement is at the time of determination of the candidate pair and not at the time of voting. Therefore, the Petitioner's argument which states that the norm of Article 7 paragraph (2) of the 10/ 2016 should have been conditionally constitutional is legally unjustifiable.

Whereas pursuant to the description of the above legal considerations, it is evident that the norm of Article 7 paragraph (2) letter e of Law 10/2016 has guaranteed the rights of citizens and the legal status in government as regulated in Article 27 paragraph (1) of the 1945 Constitution and it has provided fair legal certainty as regulated in Article 28D paragraph (1) of the 1945 Constitution, instead of as argued by the Petitioner.

Accordingly, the Court passed down a decision which verdicts are as follows:

On Preliminary Injunction:

To dismiss the Petitioner's petition for preliminary injunction

On the Merits:

To dismiss the Petitioner's petition in its entirety.