



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 87/PUU-XXIII/2025**

Concerning

Minimum Requirements for Presidential and Vice Presidential Candidates

- Petitioners** : **Hanter Oriko Siregar and Horison Sibarani**
- 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** : Article 169 letter r of Law 7/2017 is contrary to Article 22E paragraph (1) and paragraph (2), Article 28D paragraph (1), Article 28 paragraph (4) of the 1945 Constitution of the Republic of Indonesia
- Verdict** : To dismiss the Petitioners' petition in its entirety
- Date of Decision** : July 17, 2025
- Overview of Decision** :

The Petitioners are individual Indonesian citizens working as a legal consultant (Petitioner I) and a student at the Universitas Kristen Indonesia (Petitioner II) who believe that their constitutional rights guaranteed in Article 22E paragraph (1) and paragraph (2), Article 28D paragraph (1), Article 28I paragraph (4) of the 1945 Constitution of the Republic of Indonesia have been violated due to the enactment of Article 169 letter r of Law 7/2017.

Whereas with respect to the Court's authority, because the Petitioners' petition is submitted for a review of the constitutionality of statutory norms, *in casu* Article 169 letter r of Law 7/2017 against the 1945 Constitution, the Court has the authority to hear the petition *a quo*.

With respect to the legal standing of the Petitioners, the Court is of the opinion that Petitioner I and Petitioner II have clearly described their qualifications as individual Indonesian citizens who believe they have suffered, or are at least potentially exposed to, losses of constitutional rights as a result of the enactment of the article/norm of law being petitioned for review. The assumption of loss of constitutional rights is specific and actual, or at least potential in nature, which arising due to the enactment of the norm of Article 169 letter r of Law 7/2017. Therefore, the assumption of loss of constitutional rights as described by Petitioner I and Petitioner II has a causal relationship (*causal verband*) with the enactment of the legal norm being petitioned for review. Accordingly, if the petition *a quo* is granted, assumption of loss of constitutional rights as described by Petitioner I and Petitioner II will not or will no longer occur. Therefore, regardless of whether or not the unconstitutionality of the

norm being petitioned for review is proven, the Court is of the opinion that Petitioner I and Petitioner II (hereinafter referred to as the Petitioners) have the legal standing to act as Petitioners in the petition *a quo*;

Whereas since the Petitioners' petition is clear, the Court is of the opinion that there is no urgency or needs in hearing the statements of the parties as intended in Article 54 of the Constitutional Court Law;

Whereas, the main issue raised by the Petitioners is whether Article 169 letter r of Law 7/2017 is contrary to Article 22E paragraphs (1) and (2), Article 28D paragraph (1), and Article 28I paragraph (4) of the 1945 Constitution of the Republic of Indonesia if it is not interpreted as "holding at least a bachelor's degree (S-1) or its equivalent," as stated in the Petitioners' *petitum*.

Constitutionally, regarding the requirements for presidential and vice-presidential candidates to be nominated by political parties or coalitions of political parties participating in the general election, Article 6 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states, "Presidential and vice-presidential candidates must be Indonesian citizens since birth and have never accepted another citizenship of their own free will, have never betrayed the country, and be spiritually and physically capable of carrying out the duties and obligations as President and Vice-President." With respect to these requirements, Article 6 paragraph (2) of the 1945 Constitution further stipulates that "The requirements for becoming President and Vice-President shall be further regulated by law." The delegation of authority "shall be further regulated by law" is, within the limits of reasonable reasoning, due in part to the fact that the 1945 Constitution does not set out the detailed qualifications for presidential and vice-presidential candidates.

In relation to the Petitioners' petition, one of the qualifications at issue concerns educational requirements. In this case, Article 6 paragraph (1) of the 1945 Constitution does not prescribe any educational criteria, including minimum educational standards for presidential and vice-presidential candidates. Accordingly, the provisions contained in Article 169, Article 170, and Article 171 of Law 7/2017 constitute the legislative elaboration mandated by Article 6 paragraph (2) of the 1945 Constitution. Such requirements are categorized as an open legal policy that is under the authority of the lawmakers. In this case, the open legal policy of the lawmakers is still considered constitutional provided that it does not: violate morality; violate rationality; result in intolerable injustice; exceed the lawmakers' authority; constitute an abuse of authority; contrary to the 1945 Constitution of the Republic of Indonesia; negate the principles of the 1945 Constitution; contrary to political rights; contrary to popular sovereignty; constitute arbitrary action (*willekeur*); or exceed and/or misuse authority (*detournement de pouvoir*).

In the context of the case *a quo*, the Petitioners petition for the Court to give a new interpretation of Article 169 letter r of Law 7/2017 so that it reads "holding at least a bachelor's degree (S-1) or its equivalent", within the limits of reasonable reasoning, such an interpretation would in fact narrow opportunities and could restrict citizens whom political parties or coalitions of political parties may nominate as presidential and vice-presidential candidates. The requirements set out in Article 169 letter r of Law 7/2017 do not in any way prevent political parties or coalitions of political parties from nominating candidates with higher educational qualifications, including the level desired by the Petitioners. Moreover, the Court is of the opinion that the fulfillment of the right to fair legal guarantee, protection, and certainty, and the right to the protection, promotion, enforcement, and fulfillment of human rights, which are obligations of the state, particularly the government, does not mean that the state may not regulate and set requirements for certain matters, including the qualifications for presidential and vice-presidential candidates), to the extent that such requirements objectively reflect the needs of the position and do not contain discriminatory elements, nor violate morality, rationality, or result in intolerable injustice. Thus, the Court is of the opinion that there is no constitutional issue with respect to the requirements for presidential and vice-presidential candidates as regulated in Article 169 letter r of Law 7/2017.

Whereas even though the Court finds no constitutional issue regarding the minimum educational requirement for presidential and vice-presidential candidates as set out in Article 169 letter r of Law 7/2017, given that Article 6 paragraph (1) of the 1945 Constitution of the Republic of Indonesia does not set a minimum educational threshold, the lawmakers, in accordance with the delegation of authority under Article 6 paragraph (2) of the 1945 Constitution, retain the power to regulate such requirements and may amend the provision at any time to align with evolving needs and developments. In this regard, if deemed necessary, the lawmakers may reassess the minimum educational requirement for presidential and vice-presidential candidates by determining what level of education is considered ideal in the best interests of the nation and state. The Court also considers it important to emphasize that the educational requirement in Article 169 letter r of Law 7/2017 in no way restricts the voters' rights to choose presidential and vice-presidential candidates nominated by political parties or coalitions of political parties participating in the general election. Moreover, based on empirical developments since the introduction of direct election method in the 2004 General Election, many presidential and vice-presidential candidates nominated by political parties or coalitions of political parties have educational backgrounds higher than high school or its equivalent.

Whereas pursuant to all the legal considerations above, it has been established that the norm in Article 169 letter r of Law 7/2017, which sets the minimum educational requirement for presidential and vice-presidential candidates as graduation from senior high school, Islamic senior high school, vocational high school, Islamic vocational high school, or other equivalent institutions, does not conflict with the principles of honest and fair elections, nor with the constitutional guarantees of recognition, protection, and fair legal certainty, and the right to promotion, enforcement, and fulfillment of human rights, which are obligations of the state, particularly the government, as guaranteed by the 1945 Constitution of the Republic of Indonesia, contrary to what the Petitioners have argued. Therefore, the Petitioner's arguments are entirely legally unjustifiable.

Accordingly, the Court subsequently passes down a decision which verdict states to dismiss the Petitioners' petition in its entirety.

Dissenting Opinion

With respect to the decision *a quo* of the Court, Constitutional Justice Suhartoyo expresses a dissenting opinion, as follows:

Whereas pursuant to the excerpts from the legal consideration in the form of dissenting opinion in case 29/PUU-XXI/2023 as stated above against the Petitioners in the *a quo* petition, I am also of the opinion that the Petitioners petitioning that the norm of Article 169 letter q of Law 7/2017 be interpreted as the description stated in the *petitum* of their petition and the fact that their petition is not submitted for their own interests, it is also irrelevant to give the legal standing to the Petitioners to act as petitioners in the *a quo* petition, therefore the legal considerations in the form of dissenting opinion in case Number 29/PUU-XXI/2023, *mutatis mutandis* apply as an inseparable part of legal considerations in the dissenting opinion section of the *a quo* decision;

Pursuant to the description of the legal considerations above, I am of the opinion that regarding the petition *a quo*, the Constitutional Court should also not give a legal standing to the Petitioners and therefore it is irrelevant to consider the subject matter of the petition, therefore the verdict of the decision *a quo* should state that "to declare that the Petitioners' petition is inadmissible."

Whereas pursuant to the excerpts from the legal considerations in the form of dissenting opinion in case Number 29/PUU-XXI/2023 and Case Number 51/PUU-XXI/2023 as stated above against the Petitioner in the *a quo* petition, I am also of the opinion that the

Petitioners who petition that the norms of Article 169 letter q of Law 7/2017 be interpreted as the description stated in the *petitum* of their petition and the fact that their petition is not submitted for their own interests, it is also irrelevant to give the legal standing to the Petitioners to act as the petitioner in the *a quo* petition, therefore the legal considerations in the form of dissenting opinion in case Number 29/PUU-XXI/2023 and Case Number 51/PUU-XXI/2023, *mutatis mutandis* apply as an inseparable part of legal considerations in the dissenting opinion of the *a quo* petition;”

Whereas pursuant to the legal considerations in the form of dissenting opinion quoted above, I am of the opinion that, with respect to the petition *a quo*, the Constitutional Court should not have granted legal standing to the Petitioners. Accordingly, there is no relevance in examining the substance of the petition, and the decision *a quo* should therefore have stated in its verdict “to declare that the Petitioners’ petition is inadmissible”.