

**ANALISIS PUTUSAN MAHKAMAH KONSTITUSI NOMOR
70/PUU-XXII/2024 TENTANG BATAS USIA CALONB KEPALA
DAERAH DAN IMPLIKASINYA TERHADAP SISTEM
DEMOKRASI DI INDONESIA**

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**Ditulis Untuk Memenuhi Syarat
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Oleh:

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ANALYSIS OF CONSTITUTIONAL COURT DECISION NUMBER 70/PUU-XXII/2024 ON THE AGE REQUIREMENT FOR REGIONAL HEAD CANDIDATES AND ITS IMPLICATIONS FOR THE DEMOCRATIC SYSTEM IN INDONESIA

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Abstract. The Regulation Of The Minimum Age Requirement For Regional Head Candidates Has Become A Significant Constitutional Issue In Indonesia Following Constitutional Court Decision Number 70/PUU-XXII/2024. The Debate Surrounding This Decision Concerns The Extent To Which Age Limitations Constitute A Legitimate Regulatory Measure Or An Unconstitutional Restriction On Political Rights As Guaranteed Under The 1945 Constitution. This Study Aims To Analyze The Legal Reasoning Of The Mahkamah Konstitusi In The Decision, To Assess The Constitutional Compatibility Of The Age Requirement Under The Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, And To Examine Its Implications For Local Democratic Processes, Particularly In Relation To Leadership Regeneration And Political Participation. This Research Employs A Normative Legal Method Using Statutory, Case, And Conceptual Approaches. Primary Legal Materials Include Constitutional Provisions, Relevant Electoral Laws, And Constitutional Court Decision Number 70/PUU-XXII/2024, While Secondary Materials Consist Of Scholarly Literature And Prior Studies On Political Rights And Democratic Theory. The Analysis Is Conducted Through Qualitative Prescriptive Interpretation By Applying Constitutional Principles Such As Equality Before The Law, Proportionality, Legal Certainty, And Popular Sovereignty. The Findings Indicate That The Constitutional Court Grounded Its Reasoning In The Doctrine Of Open Legal Policy, Affirming That The Determination Of Age Requirements Falls Within Legislative Authority As Long As It Does Not Contradict Explicit Constitutional Norms. The Age Limitation Is Considered Constitutionally Valid Because It Is Based On Objective And Rational Criteria And Serves The Legitimate Aim Of Ensuring Leadership Maturity And Institutional Stability. Furthermore, The Decision Has Broader Implications For Indonesia's Local Democracy By Structuring Leadership Regeneration, Influencing Political Party Recruitment Mechanisms, And Reinforcing Legal Certainty In Electoral Governance While Maintaining Democratic Inclusiveness Within Constitutional Boundaries.

Keywords: Constitutional Court; Age Requirement; Local Democracy.

I. INTRODUCTION

The Constitutional Court Decision Number 70/PUU-XXII/2024 concerning the minimum age requirement for regional head candidates constitutes a pivotal constitutional moment in Indonesia's contemporary democratic trajectory. The regulation of candidacy requirements for governors, regents, and mayors is not merely an administrative-technical matter, but rather touches upon the fundamental dimensions of constitutional democracy, including political rights, equality before the law, legal certainty, and the principle of popular sovereignty as enshrined in the 1945 Constitution (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945). In this context, the decision of the Mahkamah Konstitusi (hereinafter the Constitutional Court) becomes a constitutional instrument that not only interprets statutory norms but also shapes the direction of Indonesia's democratic consolidation.[1]

The issue of age limitation for public office has long been debated in constitutional discourse. Article 28D paragraph (1)

of the Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 guarantees the right to recognition, guarantee, protection, and certainty of law that is just and equal before the law. Meanwhile, Article 28D paragraph (3) ensures every citizen's right to equal opportunity in government. Consequently, any statutory restriction including age requirements must be assessed through constitutional parameters of proportionality, rationality, and non-discrimination. The Court's reasoning in Decision 70/PUU-XXII/2024 therefore raises significant questions as to whether the age threshold serves a legitimate constitutional aim or instead constitutes an unjustifiable limitation of political rights.

Previous studies have extensively examined candidacy requirements within Indonesia's electoral framework. Several scholars have argued that age limits represent a legitimate form of open legal policy (open legal policy doctrine), allowing the legislature to determine eligibility criteria as long as they do not contradict constitutional guarantees. Earlier Constitutional Court rulings concerning age thresholds for presidential and

vice-presidential candidates—most notably in Decision Number 90/PUU-XXI/2023—have generated substantial academic debate regarding judicial consistency, constitutional morality, and potential judicial activism. Other research has focused on youth political participation, highlighting the demographic bonus in Indonesia and the urgency of leadership regeneration in local governance. Empirical studies in the field of political science also suggest that lowering age thresholds may increase youth engagement, expand representational diversity, and foster innovative governance. However, critics caution that excessively flexible standards may undermine the maturity and administrative experience expected from regional executives.[2]

Comparative constitutional scholarship further demonstrates that age requirements vary significantly across democratic systems. In some jurisdictions, age thresholds are designed to balance maturity and inclusiveness, while in others they reflect historical-political compromises. Within Southeast Asia, the regulation of eligibility criteria often reflects the broader tension between elite-driven democracy and participatory democratization. Hence, the Indonesian case cannot be viewed in isolation; it must be situated within the broader framework of constitutionalism, democratic transition, and institutional trust.

From a theoretical standpoint, constitutional democracy requires that limitations on political rights satisfy the tests of legality, legitimate aim, necessity, and proportionality. The Constitutional Court, as the guardian of the constitution (the guardian of the constitution), bears the responsibility of ensuring that legislative discretion does not erode substantive democracy. In this regard, Decision 70/PUU-XXII/2024 becomes a litmus test for how the Court balances legislative policy space with constitutional supremacy. The Court's interpretative approach whether textual, originalist, systematic, or teleological plays a decisive role in determining the legitimacy of the ruling.

Furthermore, the implications of the decision extend beyond doctrinal constitutional analysis. At the practical level, changes in age requirements directly affect political party recruitment strategies, candidate nomination mechanisms, and electoral competition dynamics in local elections (Pilkada). The decision also intersects with debates on dynastic politics, political oligarchy, and youth representation. Thus, the ruling potentially reshapes patterns of political participation and leadership regeneration in Indonesia's decentralized governance system.

In light of these considerations, this study seeks to analyze the legal reasoning adopted by the Constitutional Court in Decision Number 70/PUU-XXII/2024, to evaluate its conformity with constitutional principles under the 1945 Constitution, and to examine its broader implications for local democratic processes particularly in relation to leadership regeneration and political participation. Therefore, The Problems Addressed In This Study Are Formulated As Follows: How Did The Constitutional Court Construct Its Legal Reasoning In Decision Number 70/PUU-XXII/2024 Regarding The Age Requirement For Regional Head Candidates; Whether The Age Requirement Affirmed In The

Decision Is Consistent With The Constitutional Principles Enshrined In The 1945 Constitution; And What Implications The Decision Generates For Local Democratic Processes, Especially Concerning Leadership Regeneration And Political Participation In Indonesia.

II. RESEARCH METHODS

This Study Employs A Normative Legal Research Method, Also Known As Doctrinal Legal Research, Which Focuses On The Analysis Of Legal Norms As Contained In Constitutional Provisions, Statutory Regulations, Judicial Decisions, And Legal Doctrines. Normative Legal Research Is Conducted By Examining Law As A Normative System, Emphasizing The Coherence Between Legal Rules, Legal Principles, And Constitutional Values. In The Context Of This Study, The Normative Approach Is Utilized To Analyze The Constitutional Court Decision Number 70/PUU-XXII/2024 Concerning The Age Requirement For Regional Head Candidates And Its Compatibility With The 1945 Constitution.[3]

The Approaches Applied In This Research Include The Statutory Approach, The Case Approach, And The Conceptual Approach. The Statutory Approach Is Conducted By Examining Relevant Constitutional And Legislative Provisions, Particularly The Provisions Of The 1945 Constitution Relating To Political Rights, Equality Before The Law, And Democratic Principles, As Well As Statutory Regulations Governing Regional Head Elections. The Case Approach Is Applied Through An In-Depth Analysis Of The Legal Reasoning (Ratio Decidendi) Contained In Constitutional Court Decision Number 70/PUU-XXII/2024, Including The Court's Interpretation Of Constitutional Norms And Its Position Regarding Legislative Discretion (Open Legal Policy). The Conceptual Approach Is Used To Examine Doctrinal Concepts Such As Constitutional Supremacy, Proportionality, Legal Certainty, Political Rights, And Democratic Regeneration.

The Types Of Legal Materials Utilized In This Research Consist Of Primary, Secondary, And Tertiary Legal Materials. Primary Legal Materials Include The 1945 Constitution, Relevant Statutes Governing Regional Elections, And The Constitutional Court Decision Number 70/PUU-XXII/2024 As The Main Object Of Analysis. Secondary Legal Materials Comprise Scholarly Articles Published In Reputable National And International Journals, Constitutional Law Textbooks, Commentaries, And Previous Research Related To Age Requirements For Public Office And Democratic Theory. Tertiary Legal Materials Include Legal Dictionaries, Encyclopedias, And Other Reference Sources That Support Conceptual Clarification.

The Collection Of Legal Materials Is Conducted Through Library Research By Systematically Identifying, Classifying, And Reviewing Relevant Legal Sources. The Analysis Of Legal Materials Is Performed Using Qualitative Prescriptive Analysis. This Technique Involves Interpreting Legal Norms, Evaluating Their Consistency With Constitutional Principles, And Constructing Legal Arguments To Assess Whether The Court's Reasoning Aligns With The Principles Of Justice,

Legal Certainty, And Democratic Governance. The Analytical Framework Also Applies The Proportionality Test To Examine Whether The Age Requirement Constitutes A Legitimate Limitation Of Political Rights Under Constitutional Standards.

Through This Normative Method, The Study Seeks To Provide A Comprehensive And Systematic Legal Assessment Of The Constitutional Court's Reasoning And To Determine Its Implications For The Development Of Constitutional Democracy And Local Political Participation In Indonesia.

III. RESULT AND DISCUSSION

Legal Reasoning of the Constitutional Court in Decision Number 70/PUU-XXII/2024 Concerning the Age Requirement for Regional Head Candidates.

The Legal Reasoning Of The Constitutional Court In Decision Number 70/PUU-XXII/2024 Concerning The Age Requirement For Regional Head Candidates Reflects A Complex Interaction Between Constitutional Interpretation, Legislative Discretion, And Democratic Principles. In Examining The Constitutionality Of The Age Threshold For Governors, Regents, And Mayors, The Mahkamah Konstitusi Positioned Itself As The Guardian Of The Constitution While Simultaneously Recognizing The Policy-Making Authority Of The Legislature. The Court's Consideration Demonstrates How Constitutional Adjudication In Indonesia Balances Normative Textualism With Broader Democratic Objectives.[4]

The Court Began Its Legal Consideration By Affirming Its Constitutional Authority To Conduct Judicial Review Against Statutory Provisions That Are Allegedly Inconsistent With The

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. In Accordance With Article 24C Paragraph (1) Of The Constitution, The Constitutional Court Holds The Competence To Review Laws Against The Constitution. Therefore, The Petition Challenging The Age Requirement For Regional Head Candidates Fell Within The Jurisdiction Of The Court. By Establishing Jurisdiction, The Court Reaffirmed The Principle Of Constitutional Supremacy, Emphasizing That All Legislative Norms Must Be Subject To Constitutional Control.

The Court Subsequently Examined The Substance Of The Petition, Which Essentially Questioned Whether The

Determination Of A Specific Minimum Age For Regional Head Candidates Violated Citizens' Constitutional Rights To

Equality Before The Law And Equal Opportunity In Government As Guaranteed Under Article 28D Paragraphs (1) And (3) Of The Constitution. The Petitioners Argued That The

Age Limitation Constituted An Unjustified Restriction Of Political Rights And Potentially Discriminated Against

Younger Citizens Who Possess The Capacity And Competence To Lead.

In Responding To These Arguments, The Court Applied A Systematic And Teleological Interpretation Of Constitutional Norms. The Court Emphasized That Political Rights, Although Fundamental, Are Not Absolute Rights. The Constitution Permits Limitations On Rights As Long As Such Limitations Are Established By Law, Pursue Legitimate Objectives, And Are Proportionate. The Court Referred To The

General Constitutional Doctrine That Restrictions On Rights Must Be Evaluated Based On Rationality And Necessity Within A Democratic Society.[5]

The Court Further Asserted That The Determination Of Age Requirements For Public Office Falls Within The Scope Of Legislative Policy. This Position Is Grounded In The Doctrine Of Open Legal Policy, Which Recognizes That The Legislature Has Discretion To Formulate Regulatory Standards As Long As They Do Not Clearly Contradict Constitutional Norms. According To The Court, The Constitution Does Not Explicitly Stipulate A Specific Age For Regional Head Candidates. Therefore, The Legislature Possesses The Authority To Determine The Age Threshold Based On Considerations Of Maturity, Administrative Experience, And Governance Stability.

The Legal Reasoning Of The Court Also Highlighted The Distinction Between Absolute Constitutional Prohibitions And Relative Legislative Policy Choices. The Court Noted That If The Constitution Explicitly Regulated The Age Requirement, Any Deviation Would Be Unconstitutional. However, In The Absence Of Such Explicit Constitutional Provision, The Legislature Retains Regulatory Flexibility. Consequently, The Court Examined Whether The Age Requirement Was Manifestly Unreasonable Or Arbitrary. Finding No Evidence Of Irrational Or Discriminatory Intent, The Court Concluded That The Provision Remained Within The Boundaries Of Legislative Discretion.

Moreover, The Court Addressed The Argument Concerning Discrimination. It Stated That Differentiation Based On Age Does Not Automatically Constitute Unconstitutional Discrimination. In Constitutional Law, Differential Treatment Is Permissible If It Is Based On Objective And Rational Criteria. The Court Considered That Age Represents A Measurable And Objective Standard That Is Commonly Used In Electoral Systems Worldwide To Ensure A Minimum Level Of Psychological Maturity And Administrative Capability. Therefore, The Age Threshold Was Regarded As A Reasonable Classification Rather Than Arbitrary Discrimination.[6]

The Court Also Considered The Democratic Context Of Regional Elections. Regional Heads Exercise Extensive Executive Authority In Indonesia's Decentralized Governance Structure. Governors, Regents, And Mayors Manage Public Budgets, Oversee Bureaucratic Institutions, And Formulate Regional Policies. The Court Reasoned That Such Responsibilities Require Adequate Maturity And Leadership Capacity. Accordingly, The Age Requirement Was Viewed As A Preventive Measure To Ensure Institutional Stability And Effective Governance.

Another Important Element Of The Court's Reasoning Lies In Its Interpretation Of Popular Sovereignty. The Petitioners Argued That The People Should Be Allowed To Determine Leadership Through Electoral Choice Without Restrictive Eligibility Barriers. However, The Court Clarified That Popular Sovereignty Operates Within Constitutional Frameworks. Democratic Elections Must Comply With Normative Standards Established By Law. Thus, While The People Ultimately Elect Leaders, The Constitution Allows The

Legislature To Define Minimum Qualifications For Candidacy.

In Evaluating Proportionality, The Court Implicitly Applied A Three-Pronged Test: Legality, Legitimate Aim, And Rational Connection. First, The Age Requirement Was Clearly Established By Law, Satisfying The Legality Criterion. Second, The Aim Of Ensuring Mature And Competent Leadership Was Deemed Legitimate. Third, There Was A Rational Relationship Between Age And The Objective Of Leadership Maturity. Although The Court Did Not Formally Label Its Analysis As A Proportionality Test, The Structure Of Its Reasoning Reflects Such Methodological Approach.

Furthermore, The Court Reaffirmed The Importance Of Legal Certainty. Changing Age Requirements Close To Electoral Processes May Generate Legal Uncertainty And Political Instability. The Court Emphasized That Consistency In Electoral Norms Contributes To Democratic Consolidation. Therefore, Judicial Intervention Should Be Exercised With Prudence To Avoid Disrupting The Electoral System Without Compelling Constitutional Grounds.

The Court's Reasoning Also Demonstrates Judicial Self-Restraint. Rather Than Substituting Legislative Judgment With Judicial Preference, The Court Adopted A Deferential Approach Toward Parliament's Policy Choice. This Deference Reflects An Institutional Awareness Of The Separation Of Powers Doctrine. By Maintaining That The Age Requirement Constitutes A Policy Matter, The Court Avoided Entering The Realm Of Political Decision-Making Unless There Is Clear Constitutional Violation.[7]

Nevertheless, The Court's Legal Reasoning Is Not Without Critical Implications. From A Normative Perspective, The Emphasis On Legislative Discretion Raises Questions About The Extent To Which Political Rights Can Be Restricted Under The Banner Of Open Legal Policy. Critics May Argue That The Court Should Have Applied A More Explicit Proportionality Analysis To Ensure That The Age Requirement Does Not Unduly Limit Youth Political Participation. The Absence Of A Strict Scrutiny Framework May Lead To Perceptions That Judicial Review Is Insufficiently Protective Of Constitutional Rights.

Additionally, The Court's Interpretation Reflects A Preference For Institutional Stability Over Democratic Experimentation. By Upholding The Age Requirement, The Court Signals That Leadership Maturity Is A Priority Within Indonesia's Democratic Design. This Approach Aligns With A Conservative Understanding Of Democratic Governance, Emphasizing Order And Predictability. However, It May Also Be Interpreted As Limiting Opportunities For Generational Renewal.

From A Constitutional Theory Perspective, The Court's Reasoning Illustrates The Tension Between Substantive Democracy And Procedural Democracy. On The One Hand, Democracy Requires Inclusive Participation And Equal Political Opportunity. On The Other Hand, It Necessitates Normative Safeguards To Ensure Effective Governance. The Court Attempted To Reconcile These Dimensions By Acknowledging Political Rights While Validating Legislative Standards.

In Sum, The Legal Reasoning Of The Constitutional Court In Decision Number 70/PUU-XXII/2024 Is Characterized By Several Key Elements: Affirmation Of Constitutional Supremacy, Recognition Of Legislative Discretion Under The Open Legal Policy Doctrine, Acceptance Of Age As An Objective And Rational Classification, Implicit Application Of Proportionality Principles, Emphasis On Legal Certainty And Institutional Stability, And Judicial Self-Restraint Within The Separation Of Powers Framework. The Court Concluded That The Age Requirement For Regional Head Candidates Does Not Contradict The Constitution And Remains Within The Permissible Scope Of Legislative Regulation.

Through This Reasoning, The Court Positioned Itself As Both Protector Of Constitutional Norms And Respector Of Democratic Policymaking Authority. The Decision Therefore Represents A Significant Precedent In Indonesian Constitutional Law, Clarifying The Boundaries Between Political Rights And Regulatory Standards In The Context Of Local Democratic Governance.

Constitutional Compatibility of the Age Requirement for Regional Head Candidates Under the 1945 Constitution.

The Constitutional Compatibility Of The Age Requirement For Regional Head Candidates As Affirmed In Constitutional Court Decision Number 70/PUU-XXII/2024 Must Be Examined Through The Framework Of The 1945 Constitution As The Supreme Law Of The Land. The Assessment Of Whether The Provision Aligns With Constitutional Principles Necessarily Involves An Analysis Of Political Rights, Equality Before The Law, Legal Certainty, Democratic Governance, And The Doctrine Of Proportionality. In This Context, The Role Of The Mahkamah Konstitusi Becomes Central In Interpreting Whether The Age Limitation Constitutes A Legitimate Constitutional Regulation Or An Unjustifiable Restriction Of Citizens' Political Rights.

The 1945 Constitution Guarantees Fundamental Political Rights In Several Provisions. Article 28D Paragraph (1) Of The Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Affirms The Right To Recognition, Guarantee, Protection, And Fair Legal Certainty As Well As Equal Treatment Before The Law. Article 28D Paragraph (3) Guarantees Every Citizen The Right To Equal Opportunity In Government. These Constitutional Guarantees Form The Normative Basis For Evaluating Any Legislative Restriction Related To Eligibility For Public Office. Consequently, The Age Requirement Must Be Scrutinized In Light Of Whether It Violates The Principle Of Equality Or Undermines Equal Access To Political Participation.[8]

The Principle Of Equality Before The Law Does Not Imply Absolute Uniform Treatment Without Distinction. Constitutional Jurisprudence Generally Recognizes That Differential Treatment Is Permissible As Long As It Is Based On Objective And Reasonable Criteria. In This Regard, Age Is A Measurable And Universally Applicable Standard. The Determination Of A Minimum Age For Public Office Is Commonly Justified By Considerations Of Psychological Maturity, Leadership Capacity, And Administrative Experience. Therefore, From A Formal Constitutional Perspective, The Age Requirement Does Not Automatically

Contradict The Equality Principle, Provided That The Classification Serves A Legitimate Purpose And Is Not Arbitrary.

Furthermore, The Constitution Does Not Explicitly Regulate The Minimum Age For Regional Head Candidates. The Absence Of A Specific Constitutional Provision Regarding Age For Governors, Regents, And Mayors Indicates That The Matter Falls Within The Regulatory Domain Of The Legislature. This Position Is Consistent With The Doctrine Of Open Legal Policy, Which Grants Lawmakers Discretion To Determine Technical And Administrative Requirements For Electoral Participation As Long As They Do Not Conflict With Explicit Constitutional Norms. Thus, From The Standpoint Of Constitutional Textualism, The Age Requirement Does Not Directly Violate Any Express Constitutional Command.

However, Constitutional Compatibility Cannot Be Assessed Solely On The Basis Of Textual Silence. It Must Also Be Evaluated Through Substantive Constitutional Principles, Including Democracy, Popular Sovereignty, And The Protection Of Political Rights. Article 1 Paragraph (2) Of The Constitution Declares That Sovereignty Is In The Hands Of The People And Is Implemented According To The Constitution. This Provision Suggests That Democratic Participation Is A Core Constitutional Value. Therefore, Any Limitation On Candidacy Must Be Justified As Necessary To Protect The Integrity Of The Democratic System Rather Than To Undermine It.[9]

In Applying Substantive Review, The Age Requirement Must Be Tested Through The Principle Of Proportionality. Although The Constitutional Court Did Not Explicitly Formulate A Structured Proportionality Test In The Decision, Its Reasoning Implies Consideration Of Legality, Legitimate Aim, And Rational Connection. First, The Age Requirement Is Clearly Established By Statutory Regulation, Satisfying The Legality Criterion. Second, The Objective Of Ensuring Capable And Mature Leadership Constitutes A Legitimate Aim Within A Democratic State. Third, There Exists A Rational Relationship Between Age And The Presumed Maturity Required For Executive Office.[10]

The More Critical Question Lies In The Necessity And Balancing Aspects Of Proportionality. The Necessity Test Examines Whether The Same Objective Could Be Achieved Through Less Restrictive Means. Critics May Argue That Voters Themselves Should Evaluate A Candidate's Competence Without Predetermined Age Barriers. Nevertheless, The Counterargument Is That Democratic Systems Commonly Establish Baseline Qualifications To Safeguard Institutional Stability. Such Baseline Requirements Are Preventive Rather Than Punitive, And They Operate Prior To Electoral Competition.

From The Perspective Of Constitutional Democracy, The Age Requirement Can Be Interpreted As A Regulatory Instrument Designed To Harmonize Two Constitutional Values: Political Inclusiveness And Institutional Effectiveness. On The One Hand, The Constitution Promotes Broad Participation. On The Other Hand, It Mandates Good Governance And Accountability. Regional Heads Exercise Substantial Executive Authority In Indonesia's Decentralized

Framework, Managing Public Finances And Formulating Regional Policies. Therefore, A Minimum Age Requirement May Be Viewed As Supporting Administrative Reliability And Public Trust.[3]

Another Relevant Constitutional Principle Is Legal Certainty. Stability In Electoral Norms Contributes To Predictability And Fair Competition. Frequent Judicial Alterations To Eligibility Criteria Could Create Uncertainty And Potential Political Manipulation. By Upholding The Age Requirement As Constitutional, The Court Reinforced The Principle That Electoral Rules Should Remain Stable Unless Clearly Inconsistent With Constitutional Norms.

Nevertheless, From A Substantive Democratic Theory Perspective, Questions Remain Regarding The Broader Impact Of Age Restrictions On Youth Political Representation. Indonesia Is Experiencing A Demographic Bonus Characterized By A Large Youth Population. Restrictive Age Policies May Be Perceived As Limiting Generational Representation In Governance. However, Constitutional Compatibility Is Not Determined By Policy Preference But By Normative Standards. As Long As The Restriction Is Reasonable, Non-Discriminatory, And Proportionate, It Remains Within Constitutional Bounds.[11]

In Evaluating Whether The Age Requirement Violates The Essence Of Political Rights, It Is Important To Distinguish Between The Right To Vote And The Right To Be Elected. The Constitution Explicitly Protects Political Participation, But It Also Recognizes That Candidacy May Be Subject To Regulatory Conditions. The Existence Of Conditions Does Not Negate The Right Itself; Rather, It Structures Its Exercise Within Constitutional Limits. Therefore, The Age Requirement Does Not Abolish Political Rights But Regulates The Timing Of Their Full Exercise.

Moreover, Comparative Constitutional Practice Demonstrates That Minimum Age Requirements For Executive Offices Are A Common Democratic Feature. Such Standards Reflect A Global Consensus That Leadership Positions Entail Responsibilities Requiring Certain Levels Of Experience And Judgment. Consequently, The Indonesian Regulation Cannot Be Deemed Exceptional Or Inherently Undemocratic.[12]

In Conclusion, The Age Requirement For Regional Head Candidates As Affirmed In Constitutional Court Decision Number 70/PUU-XXII/2024 Can Be Considered Constitutionally Compatible With The 1945 Constitution. The Provision Does Not Contradict Explicit Constitutional Norms, Does Not Constitute Arbitrary Discrimination, And Serves A Legitimate Democratic Objective. Although Debates Regarding Inclusiveness And Youth Representation Remain Normatively Relevant, From A Constitutional Law Perspective The Age Limitation Falls Within The Permissible Scope Of Legislative Regulation And Satisfies The Principles Of Legality, Rationality, And Proportionality Under The Indonesian Constitutional Framework.

Implications of Constitutional Court Decision Number 70/PUU-XXII/2024 on Local Democratic Processes, Leadership Regeneration, and Political Participation

The Implications Of Constitutional Court Decision Number 70/PUU-XXII/2024 Concerning The Age Requirement For Regional Head Candidates Extend Beyond Normative Constitutional Interpretation And Enter The Broader Sphere Of Democratic Practice In Indonesia. As Decided By The Mahkamah Konstitusi, The Affirmation Of The Age Threshold Has Direct Consequences For The Structure Of Political Competition, The Pattern Of Leadership Recruitment, And The Dynamics Of Political Participation At The Local Level. Given Indonesia's Decentralized Governance System, Regional Elections Serve As A Crucial Arena For Democratic Consolidation, Making The Court's Decision Highly Significant In Shaping Local Political Development.[13]

The First Major Implication Relates To The Process Of Leadership Regeneration. Leadership Regeneration In A Democratic System Refers To The Continuous Renewal Of Political Elites Through Fair And Competitive Elections. Indonesia Is Currently Experiencing A Demographic Transformation Characterized By A Large Youth Population. In This Context, The Regulation Of Age Requirements Directly Affects The Entry Point Of Younger Generations Into Executive Political Office. By Upholding The Minimum Age Threshold, The Court Reinforces A Structured Pathway To Leadership That Prioritizes Maturity And Institutional Readiness Over Immediate Generational Inclusion.

On One Hand, The Decision May Be Interpreted As Supporting Institutional Stability. Regional Heads Exercise Substantial Executive Authority, Including The Management Of Public Budgets, Bureaucratic Coordination, And Policy Formulation Within Autonomous Regions. A Minimum Age Requirement Can Be Viewed As A Preventive Mechanism Ensuring That Candidates Possess Sufficient Psychological And Professional Maturity. From This Perspective, The Decision Strengthens The Quality Dimension Of Democracy By Emphasizing Competence And Responsibility In Public Office.[14]

On The Other Hand, The Decision Potentially Delays The Direct Political Advancement Of Younger Political Actors. While Youth Participation Remains Protected In Legislative And Party Structures, Executive Candidacy Becomes Temporally Restricted. This Limitation May Encourage Political Parties To Invest In Long-Term Cadre Development Rather Than Immediate Nomination Of Younger Figures. Consequently, The Decision Indirectly Influences Party Recruitment Strategies And Internal Political Education Mechanisms.

The Second Implication Concerns Political Participation. Democratic Theory Recognizes Participation As A Fundamental Pillar Of Legitimate Governance. Although The Age Requirement Does Not Affect The Right To Vote, It Shapes The Scope Of The Right To Be Elected. The Distinction Between Active And Passive Political Rights Is Essential. The Court's Decision Affirms That Passive Political Rights May Be Regulated Through Objective Criteria Without Violating Constitutional Guarantees. Therefore, Political Participation Remains Broad In Principle, But Structured In Practice.[15]

From A Practical Standpoint, The Decision May Influence Voter Perception And Electoral Competition. By Maintaining Clear Eligibility Standards, The Electoral System Preserves Predictability And Legal Certainty. Stability In Candidacy Requirements Reduces The Risk Of Normative Disputes During Electoral Periods, Which Could Otherwise Undermine Public Trust In Democratic Institutions. In This Sense, The Decision Contributes To Procedural Democratic Stability.

However, The Broader Democratic Discourse Must Also Consider The Symbolic Impact Of Age Regulations. In A Society Experiencing Rapid Technological And Social Transformation, Younger Generations Often Represent Innovation And Reform-Oriented Perspectives. Restrictive Age Policies May Be Perceived As Limiting Transformative Political Change. Nonetheless, Such Perception Does Not Automatically Translate Into Democratic Regression, As Democratic Systems Balance Innovation With Institutional Continuity.

The Third Implication Relates To The Balance Between Legislative Authority And Judicial Review. By Deferring To The Legislature Under The Doctrine Of Open Legal Policy, The Constitutional Court Signals Institutional Respect For Democratic Lawmaking Processes. This Approach Reinforces The Principle Of Separation Of Powers And Avoids Excessive Judicial Intervention In Political Policy. As A Result, The Decision Contributes To Institutional Harmony Within Indonesia's Constitutional Structure.[16]

At The Local Level, The Decision May Encourage Political Parties To Develop Structured Career Pathways For Emerging Leaders. Younger Politicians May Be Directed Toward Legislative Positions, Party Leadership Roles, Or Executive Bureaucratic Experience Before Competing In Regional Elections. Such Institutionalized Political Socialization Could Enhance Governance Capacity In The Long Term. Thus, While The Age Requirement Imposes A Temporal Limitation, It May Simultaneously Promote Gradual Leadership Development.

Another Important Implication Concerns Democratic Equality. Although The Age Requirement Differentiates Based On Age, It Applies Universally To All Citizens Without Exception. This Universality Prevents Selective Or Discriminatory Application. Consequently, The Regulation Maintains Formal Equality Within The Electoral Framework. The Absence Of Arbitrary Exemptions Preserves The Integrity Of Electoral Competition.

From A Normative Constitutional Perspective, The Decision Demonstrates That Democratic Consolidation In Indonesia Emphasizes Both Participation And Institutional Maturity. The Court's Reasoning Reflects A Preference For Structured Democratic Growth Rather Than Rapid Deregulation Of Eligibility Criteria. In This Sense, The Decision Aligns With A Conservative-Constitutional Approach That Prioritizes Stability And Legal Certainty As Preconditions For Democratic Deepening.[17]

Nevertheless, The Long-Term Democratic Impact Will Depend On Political Practice. If Political Parties Fail To Provide Meaningful Channels For Youth Engagement, The Age Requirement Could Indirectly Contribute To Political

Alienation. Conversely, If Parties Utilize The Transitional Period For Capacity Building And Inclusive Political Education, The Regulation May Strengthen Democratic Quality By Producing Competent And Prepared Leaders.

In The Context Of Indonesia's Decentralization Framework, Regional Elections Function As Laboratories Of Democratic Experimentation. The Constitutional Court's Decision Establishes Normative Boundaries Within Which Political Competition Must Operate. By Upholding The Age Requirement, The Court Clarifies That Democratic Inclusiveness Operates Within Constitutional And Legislative Parameters. This Clarification Enhances Normative Certainty And Reduces The Risk Of Recurrent Constitutional Litigation On Similar Issues.

In Conclusion, The Implications Of Constitutional Court Decision Number 70/PUU-XXII/2024 For Local Democratic Processes Are Multifaceted. The Decision Reinforces Institutional Stability And Legal Certainty, Encourages Structured Leadership Regeneration, Influences Political Party Recruitment Strategies, And Maintains A Balanced Interpretation Of Political Rights. While It Introduces Temporal Limitations On Executive Candidacy For Younger Citizens, It Does Not Eliminate Political Participation Nor Undermine Democratic Foundations. Instead, It Reflects An Attempt To Harmonize Inclusiveness With Governance Effectiveness Within Indonesia's Constitutional Democracy.

III. CONCLUSIONS

The Analysis Of Constitutional Court Decision Number 70/PUU-XXII/2024 Demonstrates That The Mahkamah Konstitusi Constructed Its Legal Reasoning By Affirming Constitutional Supremacy While Recognizing Legislative Discretion Under The Doctrine Of Open Legal Policy, Concluding That The Determination Of The Minimum Age Requirement For Regional Head Candidates Falls Within The Authority Of The Legislature As Long As It Does Not Clearly Contradict The Undang-Undang Dasar Negara Republik Indonesia Tahun 1945; Substantively, The Age Limitation Is Constitutionally Compatible Because It Does Not Violate The Principles Of Equality Before The Law, Political Rights, And Popular Sovereignty, Given That It Is Based On Objective And Rational Criteria, Serves A Legitimate Democratic Aim, And Satisfies The Elements Of Legality And Proportionality; Furthermore, The Decision Generates Significant Implications For Local Democratic Processes By Strengthening Legal Certainty And Institutional Stability, Structuring Leadership Regeneration Through Gradual Political Development, Influencing Political Party Recruitment Mechanisms, And Maintaining A Balanced Approach Between Inclusiveness And Governance Effectiveness, Thereby Reflecting An Effort To Harmonize Democratic Participation With Constitutional Order Within Indonesia's Decentralized Democratic System.

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