



CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA

SUMMARY OF DECISION
FOR CASE NUMBER 1/PUU-XX/2022

Concerning

Age Limit for the Candidates for General Election Organizers
and Supervisors

- Petitioner** : Musa Darwin Pane
Type of Case : Examination of Law Number 7 of 2017 concerning General Election (Law 7/2017) against the 1945 Constitution of the Republic of Indonesia (UUD 1945)
Subject matter : Article 21 paragraph (1) letter b and Article 117 paragraph (1) letter b of Law 7/2017 is in contrary to Article 28D paragraph (3), Article 28I paragraph (2) and Article 27 paragraph (1) of the 1945 Constitution.
Verdict : To declare that the Petitioner's petition is unjustifiable.
Date of Decision : Thursday, February 24, 2022.
Overview of Decision :

The Petitioner is an individual Indonesian citizen who has a qualification as Advocate, Lecturer and Young Professional as well as a candidate for the members of the General Election Commission (*Komisi Pemilihan Umum* or KPU) for the 2022-2027 period, who suffered a constitutional loss as stated in Article 28D paragraph (3), Article 28I paragraph (2) and Article 27 paragraph (1) of the 1945 Constitution caused by Article 21 paragraph (1) letter b and Article 117 paragraph (1) letter b of Law 7/2017. Furthermore, the Petitioner suspects that the reason for the Petitioner's failure to pass in the administrative selection stage for the KPU candidates is because the minimum age limit at the time of his registration for the KPU candidates is 39 (thirty nine) years 7 (seven) months.

Regarding the authority of the Court, because the Petitioner petition for a judicial review of the Law *in casu* Law 7/2017 against the 1945 Constitution, the Court has the authority to hear the *a quo* petition;

Regarding the legal standing, the Petitioner in principal only described the perceived constitutional loss he experienced regarding the minimum age limit of 40 (forty) years for the KPU member candidates as stated in Article 21 paragraph (1) letter b of Law 7/2017. However in the *a quo* petition, the Petitioner petition for a review of the entire content of Article 21 paragraph (1) letter b of Law 7/2017, moreover, the content of Article 21 paragraph (1) letter b of Law 7/2017 does not only regulate the age limit for the KPU member candidates, but also regulates the age limit for the Provincial KPU and Regency/Municipal KPU member candidates. Moreover, the Petitioner did not explain the logical and *causal verband* (cause and effect) with regard to the age limit for the Provincial KPU and Regency/Municipal KPU member candidates, in addition to the age limit for the KPU member candidates as stipulated in Article 21 paragraph (1) letter b of Law 7/2017. Therefore, the Court did not find a causal relationship with the promulgation of the entire content material in Article 21 paragraph (1) letter b of Law 7/2017 with the loss suffered by the Petitioner in relation to his constitutional rights as regulated in the 1945 Constitution.

Whereas the legal standing of the Petitioner regarding the review of Article 117 paragraph (1) letter b of Law 7/2017, the Petitioner does not specifically relate to the actual loss that has been or has the potential to be experienced by the Petitioner when dealing with the implementation of the *a quo* norms. Therefore, the Petitioner does not have a legal interest, either directly or indirectly, with the content of Article 117 paragraph (1) letter b of Law 7/2017. Therefore, the Petitioner does not have the legal standing to file the *a quo* petition.

Accordingly, the Court subsequently issued a decision which verdict states that the Petitioner's petition is unjustifiable.