

RINGKASAN

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TINJAUAN YURIDIS TENTANG BATAS SYARAT USIA CALON PRESIDEN DAN CALON WAKIL PRESIDEN DALAM KEPUTUSAN MAHKAMAH KONSTITUSI PERKARA NOMOR 90/PUU-XXI/2023

**(Dr. Malahayati, S.H., LL.M dan
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Syarat calon usia presiden dan wakil presiden diatur dalam Pasal 169 huruf q Undang-Undang Nomor 7 Tahun 2017 tentang Pemilu, yakni berusia paling rendah 40 tahun. Namun, pada Pemilu 2024, munculah Putusan MK No. 90/PUU-XXI/2023 yang memperbolehkan pencalonan presiden dan wakil presiden di bawah 40 tahun. Hal ini menimbulkan kontroversi terhadap pasangan calon nomor urut 2 Prabowo Gibran, yang mempunyai kekerabatan dengan Ketua MK, Anwar Usman. Sehingga Putusan ini dikritik karena dianggap melanggar kode etik dan memicu perdebatan tentang independensi MK. Tujuan penelitian ini untuk menganalisis putusan mahkamah konstitusi terkait putusan batas usia syarat calon presiden dan wakil presiden dan menganalisis akibat hukum setelah dikeluarkannya putusan majelis kehormatan mahkamah konstitusi terhadap Kredibilitas Hakim Mahkamah Konstitusi.

Penelitian ini menggunakan metode penelitian yuridis normatif dengan pendekatan kualitatif. Data penelitian yang digunakan meliputi data sekunder berupa bahan hukum primer, bahan hukum sekunder (buku, jurnal, dan artikel), serta bahan hukum tersier (ensiklopedia dan internet). Analisis data dilakukan secara deskriptif-analitis guna menghasilkan kesimpulan.

Hasil penelitian ini menunjukkan bahwa pertimbangan Putusan Mahkamah Konstitusi (MK) Nomor 90/PUU-XXI/2023 terkait batas usia calon presiden dan wakil presiden membawa implikasi besar dalam sistem hukum dan politik Indonesia. Dalam pertimbangan MK menjelaskan bahwa seseorang yang belum mencapai usia 40 tahun tetap dapat mencalonkan diri sebagai presiden atau wakil presiden jika pernah atau sedang menjabat sebagai kepala daerah yang dipilih melalui pemilu. Sedangkan akibat hukumnya terhadap pemilu kedepannya sangat signifikan, sebab membuka peluang bagi calon yang lebih muda dengan pengalaman pemerintahan untuk bersaing dalam pemilihan presiden dan wakil presiden, namun akibat putusan tersebut telah melanggar kode etik yang dilakukan oleh Ketua MK Anwar Usman

Disarankan agar pertimbangan MK hakim konstitusi diperkuat untuk menjaga independensi dan kredibilitas Mahkamah Konstitusi dan Disarankan agar Majelis Kehormatan Mahkamah Konstitusi memberikan sanksi tegas kepada pelanggar kode etik MK.

Kata Kunci : *Putusan MK, Syarat Usia Presiden dan Wakil Presiden, Indonesia*

SUMMARY

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Legal Review Of The Age Limit Requirements For Presidential Candidates And Vice Presidential Candidates In The Constitutional Court Decision, Case Number 90/PUU-XXI/2023.

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The age requirement for presidential and vice-presidential candidates has been regulated in the Election Law, setting the minimum age at 40 years. However, in the 2024 election, Constitutional Court Decision No. 90/PUU-XXI/2023 allowed candidates under 40 years old, sparking controversy due to the familial relationship between the Chief Justice of the Constitutional Court, Anwar Usman, and vice-presidential candidate Gibran Rakabuming Raka. This ruling was criticized for allegedly violating the code of ethics and raising concerns about the Constitutional Court's independence. Therefore, the author is interested in examining the legal aspects of this decision in this thesis, focusing on two main issues: (1) What are the Constitutional Court's considerations regarding the decision on the age requirement for presidential and vice-presidential candidates? and (2) What are the legal consequences following the issuance of the MKMK's decision Credibility of Constitutional Court Judges.

This research employs a normative juridical method with a statutory approach. The data used include secondary data consisting of primary legal materials, secondary legal materials (books, journals, and articles), and tertiary legal materials (encyclopedias and online sources). Data analysis is conducted descriptively and analytically to derive conclusions.

The findings indicate that Constitutional Court Decision No. 90/PUU-XXI/2023 regarding the age limit for presidential and vice-presidential candidates has significant implications for Indonesia's legal and political system. The court partially granted the petition by adding a provision allowing individuals under 40 years old to run for president or vice president if they have previously or are currently serving as a regionally elected head of government. From an ethical perspective, the Constitutional Court's Honorary Council (MKMK) found that Chief Justice Anwar Usman had committed ethical violations, breaching five key principles.

It is recommended that the oversight mechanism for Constitutional Court justices be strengthened to maintain the court's independence and credibility, including expanding the authority of the Constitutional Court's Honorary Council (MKMK) to enforce the code of ethics and impose strict sanctions.

Keywords: *Decision of the Constitutional Court, Age Requirement Limit for Presidential and Vice Presidential Candidates, Indonesia.*