

■ Submitted: 23 August 2023 ■ Revised: 07 September 2023 ■ Accepted: 10 November 2023

Impact of Constitutional Court Decision 70/2024 on Regional Head Elections

Ravina Nayla Putri¹, Ahmad², Wilda Ayu Anggraeni³, Pudjiyawati⁴

¹²³⁴Universitas Muhammadiyah Tangerang

Jalan Perintis Kemerdekaan I/33 Cikokol Kota Tangerang 15118

* Correspondence email: ahmad.law17@gmail.com

ABSTRACT: *The Constitutional Court (MK) Decision No. 70/PUU-XXII/2024 introduces a revised understanding of the timeline for meeting the minimum age criteria for candidates running for regional head positions. Specifically, this requirement must be satisfied at the moment the General Election Commission (KPU) announces the candidate pairs, rather than at the time of their inauguration. This article seeks to examine the implications of this ruling on the conduct of Regional Head Elections (Pilkada) in Indonesia, considering both legal and political dimensions. From a legal standpoint, the decision necessitates modifications to existing regulations and technical policies, which the KPU and relevant stakeholders must promptly implement. Politically, this ruling compels political parties and regional head candidates to refine their nomination and campaign strategies with greater caution. Utilizing a normative legal approach, this article illustrates that while the MK decision enhances legal certainty in the electoral process, it also introduces new dynamics in local political practices that require equitable and constitutional management.*

Keywords: *Decision, Constitutional Court, Candidate's Age, Regional Head Elections*

INTRODUCTION

One of the main characteristics of a country that adheres to a democratic system is the filling of public positions through an election process. In many democratic countries, elections are not only a symbol, but also a main indicator of the practice of democracy itself. In the 1945 Constitution of the Republic of Indonesia, two forms of election systems are recognized, namely: Election of the President and Vice President, members of the DPR RI, Provincial DPRD, Regency/Municipality DPRD, and members of the DPD through elections as regulated in Article 6A, Article 18 paragraph (3), Article 19, and Article 22C, as well as the democratic election of governors, district heads, and mayors as regulated in Article 18 paragraph (4) of the 1945 Constitution and held every five years (Hermansyah, 2024).

Regional head elections (Pilkada) in Indonesia are a concrete result of the 1998 reform mandate, born from the aspirations of the people. Due to the importance of active public involvement in directly determining their leaders, Pilkada is one of the most significant manifestations of the democratic process in Indonesia. Therefore, the state guarantees the people's right to participate through various applicable regulations. The legal basis for implementing Pilkada is regulated in Law Number 10

of 2016, which is the second amendment to Law Number 1 of 2015. This law stipulates the ratification of Government Regulation in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into a valid law (referred to as the Pilkada Law). This regulation contains various rules related to the implementation of Pilkada, including the requirements that must be met by regional head candidates. One provision that is currently being discussed by the public is the minimum age limit for regional head candidates as stated in Article 7 paragraph (2) letter e of the Law (Halim, 2024).

In the context of modern democracy, regional head elections (Pilkada) are a key indicator of political health, both at the local and national levels. As explained in various literature and legal studies, filling public positions through direct elections is a hallmark of a democratic state. Therefore, the implementation of honest and fair regional elections is an absolute requirement for the formation of a legitimate, effective, and pro-people regional government. Pilkada also plays a crucial role as a stage for leadership regeneration and a forum for political participation of the younger generation. In this context, legal provisions governing the age limit for regional head candidates have become a crucial issue, particularly when they have sparked debate in the decisions of the Supreme Court (MA) and the Constitutional Court (MK). The differing interpretations between these two highest judicial institutions highlight the importance of legal harmonization so that regional elections continue to function as an instrument of healthy, inclusive, and just democracy (Hermansyah, 2024).

The Constitutional Court (MK) plays an important role in upholding the constitution and ensuring that all government actions and policies are in accordance with the 1945 Constitution. As the protector of the constitution, the MK has the authority to test laws against the 1945 Constitution, mediate disputes over authority between state institutions, decide on the dissolution of political parties, and decide on disputes over general election results (SOFIAN & Fuad, 2024).

A significant Constitutional Court decision is Decision Number 70/PUU-XXII/2024 concerning the age criteria for candidates in regional head elections (Pilkada). This decision was issued in response to a judicial review filed by several parties who considered that the provisions in the law on Pilkada contradicted constitutional principles. In this decision, the Constitutional Court reinterpreted several important provisions relating to the implementation of Pilkada, such as candidacy requirements, political party involvement, and implementation deadlines. This decision certainly not only impacts the normative aspects, but also touches on the technical and administrative aspects of the Pilkada process (Halim, 2024).

However, the Constitutional Court of the Republic of Indonesia's ruling has drawn mixed reactions from the legislature. The Legislative Body (Baleg) of the Indonesian House of Representatives (DPR RI) disagreed with the Constitutional Court's ruling. They preferred to maintain the age limit for regional head candidates in accordance with Supreme Court (MA) Decision Number 23 P/HUM/2024, which stipulates that the minimum age limit for inauguration is 30 years. The differing views

between the Constitutional Court and the DPR demonstrate the difficulty of harmonizing views between state institutions. Although the Constitutional Court's ruling is definitive and binding, its implementation must still be carried out through cooperation and mutual understanding between state institutions to ensure legal and constitutional harmony (Sulistiyowati dkk., 2024).

This article aims to identify the impact of Constitutional Court Decision No. 70 of 2024 and to analyze in-depth the ruling's implications for the implementation of regional elections in Indonesia. Using a normative juridical approach, it is hoped that this article will contribute to the discourse on electoral law reform and the strengthening of sustainable local democratic systems.

RESEARCH METHODS

The research method used in this study is a normative or doctrinal juridical approach. This type of research focuses on understanding legal concepts, basic legal principles, and applicable legal norms. Data collection was conducted through literature review, namely by reading and analyzing various sources such as scientific books, online legal journals, laws and regulations, and other literature relevant to the topic and object of study. All information obtained from these sources was then systematically compiled and analyzed based on a normative legal approach.

DISCUSSION

Description of Constitutional Court Decision Number 70 of 2024

Constitutional Court Decision Number 70/PUU-XXII/2024 is the result of an examination of a material review application against Article 7 paragraph (2) letter e of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015. This application was filed by two law students, namely A. Fahrur Rozi and Anthony Lee, who felt that their constitutional rights were violated due to the unclear norms regarding the minimum age limit for regional head candidates. In their application, the applicants questioned the absence of provisions regarding the "calculation mechanism" of the age of regional head candidates in the article, specifically regarding the point in time from when the candidate's age should be calculated, whether since being determined as a candidate or since being inaugurated as the elected regional head (Perludem, 2024).

The ambiguity of this norm is considered to create legal uncertainty that has the potential to harm citizens' constitutional rights, particularly in the context of holding democratic and fair regional head elections (pilkada). The applicants emphasized the existence of two different interpretations of this norm. The first interpretation refers to KPU Regulation Number 9 of 2020, which states that the minimum age is calculated from the date of the determination of the candidate pair. Meanwhile, the second interpretation emerged through Supreme Court Decision Number 23 P/HUM/2024, which states that the minimum age of candidates is calculated from the inauguration of the elected candidate pair. This inconsistency is

considered to result in unequal treatment for candidates from the independent path and candidates from political parties (Gunawan & Mujahidah, 2024).

In their considerations, the applicants explained that the existence of these different interpretations not only creates legal uncertainty, but also threatens the principles of justice, legal certainty, and democracy as guaranteed in Article 1 paragraph (3), Article 18 paragraph (4), and Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia. The applicants also highlighted the potential for a conflict of interest in the examination process of this case because one of the constitutional judges, Anwar Usman, has a family relationship with a public figure who is said to have an interest in the outcome of the decision, namely Kaesang Pangarep. Therefore, the applicants submitted the right to recusal so that the judge concerned would not be involved in the examination and decision-making.

In addition, the petitioners also requested that the Constitutional Court issue an interim (provisional) decision before the regional head candidate registration stage begins on August 27, 2024, to prevent greater constitutional losses due to the implementation of uncertain and undemocratic regional elections. In their legal arguments, the petitioners based their petition on the principle of legality, the theory of constitutionality of norms, and an analogy with the minimum age regulations for other public positions (elected officials), such as President, Vice President, and members of the legislature, which consistently require a minimum age from the date of candidate determination, not inauguration. This petition emphasizes the importance of the Constitutional Court's role as the sole interpreter of the Constitution to provide clarity on norms that are subject to multiple interpretations, in order to ensure the protection of citizens' constitutional rights and guarantee the principle of holding honest, fair, and democratic elections.

Legal Reasons Underlying the Decision

The Constitutional Court (MK) Decision Number 70/PUU-XXII/2024 stems from a petition for judicial review of Article 7 paragraph (2) letter e of Law Number 10 of 2016 concerning Regional Head Elections. This decision specifically addresses how to interpret the minimum age requirement for regional head candidates. The Court assessed that the minimum age requirement of 30 years for gubernatorial candidates must be understood by referring to the Election Law, which prioritizes legal clarity and fairness in the election process. The Court concluded that the view that allows candidates to meet the age requirement at inauguration is contrary to the basic principles of election law, because the nomination and inauguration processes have different legal objectives. Legally, the Court is of the opinion that the process of determining the candidate pair is a crucial moment in the nomination because it is at this moment that a person is officially recognized as a regional head candidate. Thus, at that time all eligibility requirements, including age, must be met. Allowing these criteria to be met after the determination, such as at the time of inauguration, could create legal inconsistencies and risk violating the principle of equal treatment among candidates. The Court further emphasized the need to uphold the integrity of the

election process as a whole, avoiding the creation of uncertainty that could be exploited for political gain (Yakub, 2024).

In its analysis, the Constitutional Court referred to the basic principles of election administration as stipulated in Article 22E of the 1945 Constitution, namely direct, inclusive, free, secret, honest, and fair elections. The affirmation of the deadline for fulfilling the age requirement is seen as a step to ensure transparency and fairness in the election process and to prevent administrative fraud. The Court also emphasized that age regulations are inseparable from the essence of constitutional democracy, which mandates objective limits for every citizen seeking public office. Therefore, the primary legal justification for this decision rests on upholding constitutional principles regarding candidate eligibility, procedural fairness, and legal certainty, which must not be sacrificed for temporary political motivations (Ramadhan, 2025).

The Impact of the Constitutional Court's Decision on the Implementation of Regional Elections

Legal aspects, Changes in Regulations and Policies and Implications for Legal Compliance by Regional Election Organizers. The Constitutional Court (MK) decision number 70/PUU-XXII/2024 marks a significant change in the rules governing regional head elections, particularly regarding the age criteria for candidates. In this decision, the Constitutional Court emphasized that the minimum age limit for candidates must be determined from the time the candidate pairs are determined by the General Elections Commission (KPU), not at the time of inauguration. Previously, various stakeholders interpreted the age limit provision to apply before the inauguration, thus allowing younger candidates to register. This decision also clarifies the provisions contained in Article 7 Paragraph (2) of Law Number 10 of 2016 to prevent misinterpretation and uphold the concept of legal certainty (Simanjuntak, 2017).

This regulatory change has a significant impact on political party strategies and candidate preparation. Political parties are now required to quickly identify candidates who meet the age requirements and determine their next steps. Young candidates previously identified as promising candidates in various regions may have their nominations postponed or replaced if they do not meet the age requirements during the selection process. Technically, the General Elections Commission (KPU) must also adjust its technical guidelines and administrative verification process to comply with the Constitutional Court ruling to minimize errors and avoid future lawsuits.

However, despite the legal clarity provided by the Constitutional Court, a new situation has emerged due to differing interpretations by the House of Representatives (DPR) and the President when revising the Regional Election Law. Both parties refer to Supreme Court (MA) Decision No. 23 P/HUM/2024, which stipulates that the age of prospective candidates is calculated at the time of inauguration. This inconsistency has given rise to debate regarding the supremacy of

the constitution and the legal standing of the Constitutional Court's decision, which should be final and binding. As stated by Ahmad Rofiq in the journal *Constitutionality of Determining the Age of Regional Head Candidates* (2024): "The Constitutional Court's decision should be the main reference in the legislative process because it guarantees legal certainty in a constitutional democratic and election system." (Alamsyah, 2024).

The Constitutional Court's (MK) Decision No. 70/PUU-XXII/2024 has significant implications for legal compliance by regional head election (pilkada) organizers in Indonesia. This decision, which concerns norms in the Law on the Election of Governors, Regents, and Mayors, emphasizes the importance of protecting citizens' constitutional rights in local political contests. One of the main implications of this decision is the need for the General Elections Commission (KPU), as the technical organizer of regional elections, to adjust technical regulations to comply with the new provisions stipulated by the Constitutional Court.

With this decision, regional election organizers are required to revise implementing regulations that previously referred to norms that were revoked or changed by the Constitutional Court. This includes aspects such as candidacy requirements, implementation schedules, campaign procedures, and resolution of disputes over regional election results. Compliance with the Constitutional Court's decision is mandatory because the Constitutional Court's decision is final and binding, as stipulated in Article 24C paragraph (1) of the 1945 Constitution. If regional election organizers continue to implement the old rules that have been revoked, there will be legal violations that have the potential to cancel the regional election results (Maulana, 2024).

Furthermore, another implication is an increased legal and administrative burden for the General Elections Commission (KPU) and its subordinate agencies, including provincial and district/city KPUs. They must immediately disseminate the substance of the Constitutional Court's ruling to all relevant parties, including regional head candidates, political parties, and the general public. This step is crucial to ensure all parties understand the changes and can prepare fairly and equally for the regional election process.

On the other hand, the Constitutional Court's ruling also impacts oversight by the Election Supervisory Agency (Bawaslu). With the changes in legal norms, Bawaslu must adjust its oversight standards and identify violations. This creates challenges in overseeing regional election practices to ensure they adhere to the principles of electoral justice, while also ensuring that all election organizers' actions do not deviate from the new legal framework.

Overall, Constitutional Court Decision No. 70 of 2024 strengthens the principle of constitutional supremacy in the Indonesian legal system. Regional election organizers are not only required to formally comply with the new regulations but are also challenged to ensure substantive justice in the local democratic process.

Legal compliance here means not only following procedures but also respecting constitutional values such as justice, equality, and the protection of human rights.

Political aspect, Influence on Political Parties and Regional Head Candidates as well as the Dynamics of Political Competition and Campaign Strategy. The Constitutional Court's (MK) decision in Decision Number 70/PUU-XXII/2024 significantly impacted political parties' strategies in recruiting potential regional head candidates. The Court emphasized that candidates must be at least one year old when the candidate pair is determined by the General Elections Commission (KPU). This differs from the previous view of some parties, which believed that the age requirement applies at the time of inauguration. Therefore, political parties need to revise their candidate selection and recruitment procedures, particularly for candidates approaching the minimum age limit. This requires political parties to be more careful in recruiting candidates who meet the age criteria to avoid administrative disqualification (Fachrudin, 2025).

This ruling also impacts legal certainty and the legitimacy of regional head candidacies. Many young people expected to run in regional elections have now had to postpone their campaigns or change their candidacies because they do not meet the established age criteria. The differing interpretations of the Constitutional Court's ruling and the views of the House of Representatives (DPR) and the President, who refer to the Supreme Court ruling, further complicate political interactions and potentially give rise to new legal conflicts. Therefore, political parties and legislative candidates need to be cautious to avoid becoming entangled in constitutional disputes, given that Constitutional Court decisions have the highest authority and are binding under Indonesian law (Kautsar, 2024).

Constitutional Court (MK) Decision Number 70 of 2024 brought significant changes to the political dynamics and campaign strategies for the 2024 Regional Elections. This decision amended the provisions regarding the age limit for regional head candidates, which was previously calculated at the time of inauguration, to now be calculated at the time of candidate determination by the General Elections Commission (KPU). This change has had a broad impact on the nomination process and political strategies of political parties. With this change, regional head candidates must meet the minimum age requirement at the time of candidate determination by the KPU. This allows individuals who previously did not meet the age requirement at the time of inauguration to run for office, provided they meet the requirements at the time of candidate determination. Consequently, political parties need to adjust their candidate recruitment and selection strategies to capitalize on this opportunity.

Furthermore, the Constitutional Court's decision also impacts party coalition strategies. With the lowered nomination threshold through Constitutional Court Decision Number 60 of 2024, smaller parties now have a greater opportunity to nominate candidates without having to form a coalition with a larger party. This could increase the number of candidates competing in regional elections, enriching voters'

choices and encouraging healthier competition. However, increasing the number of candidates could also lead to voter fragmentation, potentially favoring candidates with a solid base. Therefore, political parties need to design effective campaign strategies to ensure their candidates stand out from the competition. Furthermore, the Constitutional Court's decision also prevents the practice of "party buying," which often occurred previously, where one candidate commanded the support of the majority of political parties, leaving little room for other candidates. With a lower threshold, it is hoped that more competent candidates with a clear vision for their regions will emerge.

The General Elections Commission (KPU) has expressed its commitment to incorporating the Constitutional Court's ruling into its technical regulations. This is crucial to ensure that the nomination process complies with applicable legal provisions and provides certainty for all parties involved. However, some believe the Constitutional Court's decision has strong political overtones. They argue that changing the rules in the midst of regional election preparations could create uncertainty and potential conflict on the ground. Therefore, intensive outreach to all stakeholders is necessary to ensure a shared understanding of these new regulations.

Furthermore, this change also requires political parties to be more selective in selecting candidates. They need to consider not only electability but also the candidate's integrity and leadership capacity. This is crucial to ensure that the candidates they nominate are truly capable of bringing positive change to the regions they lead. For voters, this Constitutional Court decision provides an opportunity to choose from a wider range of candidates, which is expected to improve the quality of local democracy. However, voters are also required to be more careful in evaluating each candidate, given the greater number of options. Political education and accurate information are key to helping voters make informed decisions.

CONCLUSION

Constitutional Court Decision Number 70/PUU-XXII/2024 represents a significant development in the regulation of regional head elections (*Pilkada*) in Indonesia, particularly concerning the interpretation of the minimum age requirement for candidates. By affirming that the age threshold must be fulfilled at the stage of candidate determination by the General Elections Commission (KPU), the Court provides essential normative clarity and resolves previous ambiguities. This clarification strengthens the principles of legal certainty, justice, and equality in electoral competition and serves as a fundamental prerequisite for the realization of honest, fair, and democratic elections within a constitutional democracy.

From a legal-institutional and political perspective, the decision necessitates regulatory harmonization by election management bodies and reaffirms the doctrine of constitutional supremacy, whereby final and binding Constitutional Court rulings must constitute the primary reference for lawmakers and stakeholders. At the same time, the ruling significantly influences political party behavior and candidate recruitment strategies, compelling parties to be more selective and compliant with

statutory requirements while simultaneously opening space for more inclusive political competition. Consequently, the decision functions not only as a corrective to multi-interpretable norms but also as a catalyst for strengthening local democratic governance in a more just, inclusive, and constitutionally grounded direction.

REFERENCES

- Alamsyah, H. (2024). Tinjauan Yuridis Kedudukan Dan Peranan Dissenting Opinion Dan Concurring Opinion Dalam Putusan Hakim Mahkamah Konstitusi (Studi Kasus Putusan MK No 90/PUU-XXI/2023) [PhD Thesis, Universitas Islam Sultan Agung Semarang]. <http://repository.unissula.ac.id/id/eprint/38337>
- Fachrudin, A. (2025). Rahasia di Balik Kemenangan Pram-Doel di Pilgub DKI 2024. Perpustakaan Nasional: Katalog Dalam Terbitan (KDT). <https://repository.ptiq.ac.id/id/eprint/1701/1/09-Buku%20Rahasia.pdf>
- Gunawan, M. S., & Mujahidah, N. (2024). Dinamika Pemilihan Kepala Daerah: Menilik Putusan Mahkamah Agung, Mahkamah Konstitusi dan Peraturan KPU RI. *AL-MUTSLA*, 6(2), 358–387.
- Halim, A. (2024a). Ketentuan Batas Minimal Calon Kepala Daerah Dalam Putusan Mk No. 70/Puu-Xxii/2024 Perspektif Maqashid Syariah. *ICSIS Proceedings*, 1, 67–76.
- Halim, A. (2024b). Ketentuan Batas Minimal Calon Kepala Daerah Dalam Putusan Mk No. 70/Puu-Xxii/2024 Perspektif Maqashid Syariah. *ICSIS Proceedings*, 1, 67–76.
- Hermansyah, A. (2024). Politik Hukum Tentang Syarat Politik Hukum Tentang Syarat Usia Pasangan Calon Kepala Daerah (Studi: Putusan Mahkamah Agung No. 23 P/Hum/2024 Dan Putusan Mahkamah Konstitusi No. 70/PUU-XXII/2024). *Jurnal Hukum Lex Generalis*, 5(10). <https://ojs.rewangrencang.com/index.php/JHLG/article/view/535>
- Kautsar, K. A. (2024). Integritas Hakim Konstitusi Dalam Putusan MK NOMOR 90/PUUXXI/2023 Tentang Batas Usia Calon Presiden Dan Wakil Presiden (Studi Analisis Putusan MKMK) [B.S. thesis, Fakultas Syariah dan Hukum]. <https://repository.uinjkt.ac.id/dspace/handle/123456789/78489>
- Maulana, M. R. A. (2024). Analisis Tantangan Konstitusional Dan Problematika Hukum Tata Negara Dalam Pelaksanaan Pilkada 2024. *Constitution Journal*, 3(2), 211–232.
- Perludem. (2024, Agustus 30). Putusan MK Nomor 70/PUU-XXII/2024 Tentang Syarat Usia Calon Kepala Daerah di Pilkada. Perkumpulan untuk Pemilu dan Demokrasi. <https://perludem.org/2024/08/30/putusan-mk-nomor-70-puu-xxii-2024-tentang-syarat-usia-calon-kepala-daerah-di-pilkada/>
- Ramadhan, R. S. (t.t.). Keadilan Elektoral Dalam Pemungutan Suara Ulang Pada Perselisihan Hasil Pemilihan Umum (Studi Putusan Mahkamah Konstitusi Nomor: 01-01-05-32/PHPU. DPR-DPRD-XXII/2024) [B.S. thesis, Fakultas Syariah dan Hukum UIN Syarif Hidayatullah Jakarta]. Diambil 10 April 2025, dari <https://repository.uinjkt.ac.id/dspace/handle/123456789/84928>
- Simanjuntak, N. Y. (2017). Pemantauan dalam proses penyelenggaraan pemilu. *Jurnal Bawaslu*, 3(3), 2443–2539.

- SOFIAN, M., & Fuad, F. (2024). Peran Mahkamah Konstitusi Dalam Menegakkan Prinsip Negara Hukum Untuk Mewujudkan Keadilan Sosial Berdasarkan UUD 1945. *Juris Humanity: Jurnal Riset dan Kajian Hukum Hak Asasi Manusia*, 3(2), 12-23.
- Sulistyowati, S., Maharani, D. N., Maharaja, G. B., & Manoppo, H. P. (2024). Refleksi Putusan Mahkamah Konstitusi Pada Pemilihan Presiden Tahun 2024 Terhadap Politik Dan Demokrasi Indonesia. *Qanuniya: Jurnal Ilmu Hukum*, 1(1), 10-25.
- Yakub, S. L. P. (2024). Polemik Putusan Mahkamah Agung Dan Mahkamah Konstitusi Terkait Syarat Usia Pencalonan Kepala Daerah. *Jurnal Keadilan Pemilu*, 5(2), 143-160.