

ABSTRAK
ANALISIS HUKUM BATAS USIA CALON PRESIDEN DAN WAKIL
PRESIDEN DALAM PERSPEKTIF PRINSIP DEMOKRASI
KONSTITUSIONAL

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Penelitian ini bertujuan untuk menganalisis penetapan batas usia calon presiden dan wakil presiden oleh Mahkamah Konstitusi dalam perspektif demokrasi konstitusional, serta mengkaji implikasi putusan tersebut terhadap jaminan hak politik warga negara dalam sistem ketatanegaraan Indonesia. Penetapan tersebut memberikan pengecualian terhadap batas usia minimum 40 tahun bagi calon presiden dan wakil presiden yang pernah atau sedang menduduki jabatan yang dipilih melalui pemilihan umum. Penelitian ini menggunakan pendekatan perundang-undangan, pendekatan konseptual, pendekatan kasus, dan pendekatan komparatif. Berdasarkan hasil penelitian, dapat disimpulkan bahwa penetapan batas usia pada dasarnya merupakan kebijakan hukum yang dapat dibenarkan sepanjang selaras dengan prinsip keadilan, kesetaraan, dan perlindungan hak asasi manusia. Implikasi Putusan Mahkamah Konstitusi tersebut memperluas hak untuk dipilih (*right to be elected*) dan membuka ruang partisipasi politik bagi generasi muda. Di sisi lain, putusan tersebut juga menimbulkan krisis legitimasi karena Mahkamah Konstitusi telah melampaui kewenangannya, memperkuat praktik dinasti politik, mengancam prinsip persamaan di hadapan hukum (*equality before the law*), serta menurunkan kepercayaan publik terhadap independensi lembaga peradilan.

Kata Kunci: Batas Usia, Calon Presiden Dan Wakil Presiden, Demokrasi Konstitusional, Hak Politik, Pemilu.

ABSTRACT**LEGAL ANALYSIS OF THE AGE LIMIT FOR PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES FROM THE PERSPECTIVE OF CONSTITUTIONAL DEMOCRACY PRINCIPLES****By****Muchlis Sadzili**

This study aims to analyze the determination of the age requirement for presidential and vice-presidential candidates by the Constitutional Court from the perspective of constitutional democracy, as well as to examine the implications of the Court's decision on the guarantee of citizens' political rights within Indonesia's constitutional system. The determination provides an exception to the minimum age requirement of 40 years for presidential and vice-presidential candidates who have previously held or are currently holding an office obtained through a general election. This study employs a statutory approach, a conceptual approach, a case approach, and a comparative approach. Based on the findings, it can be concluded that the determination of an age requirement is essentially a legal policy that can be justified as long as it is consistent with the principles of justice, equality, and the protection of human rights. The implications of the Constitutional Court's decision expand the right to be elected and create opportunities for political participation among the younger generation. On the other hand, the decision has also given rise to a legitimacy crisis, as the Constitutional Court is considered to have exceeded its authority, strengthened the practice of political dynasties, threatened the principle of equality before the law, and diminished public trust in the independence of the judiciary.

Keywords: *Age Limit, Presidential and Vice Presidential Candidates, Constitutional Democracy, Political Rights, Elections.*