

Evaluation of the Regional Head Age Limit Policy in Indonesia After the Supreme Court Decision Number 23 P / HUM / 2024

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ABSTRACT

This study evaluates the regional head age limit policy in Indonesia following the Supreme Court Decision Number 23 P/HUM/2024 through a normative juridical analysis. The age limit policy, governed by Law No. 10 of 2016, aims to ensure capable leadership by imposing a minimum age requirement for candidates. However, the Supreme Court's decision raises questions about the policy's alignment with constitutional principles of equality, non-discrimination, and democratic participation. The analysis examines statutory regulations, legal principles, and comparative insights from other democratic countries to understand the policy's rationale and implications. Findings highlight the need for a balanced approach that ensures legal consistency and promotes inclusive, effective regional governance. Recommendations include lowering the minimum age requirement, implementing a flexible age range, and incorporating empirical evidence to refine the policy, ensuring it serves the principles of justice, democratic participation, and effective governance.

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1. INTRODUCTION

The debate surrounding the regional head age limit policy in Indonesia, especially post-Supreme Court Decision Number 23 P/HUM/2024, has sparked a critical reevaluation of the age criteria for regional leadership candidates. The age limits aim to ensure candidates possess the necessary maturity, experience, and physical fitness for governance [1]. However, concerns have been raised regarding the policy's alignment with democratic principles and fair treatment of potential candidates [2]. Additionally, the legal reconstruction of political and legal

regulations in regional head elections based on Pancasila justice values highlights the need for a comprehensive reassessment of the existing age limit regulations to ensure they uphold democratic ideals and provide equal opportunities for all aspiring candidates [3].

The normative juridical analysis conducted in the research papers [4], [5] sheds light on the legal and constitutional considerations surrounding the age limit policy for presidential and vice-presidential candidates in Indonesia. By examining statutory regulations, legal principles, and judicial decisions, the study delves into whether the age restrictions are justified

within Indonesia's legal and democratic framework. The Supreme Court's decision, as discussed in the contexts, has sparked debates on the implications for democracy, electoral processes, and the compatibility with Islamic values, emphasizing the importance of evaluating the rationale behind the age limit criteria to ensure alignment with legal provisions, democratic principles, transparency, and protection of citizens' political rights.

The decision has significant implications for regional governance, affecting both the selection process of regional heads and the broader political landscape. It is crucial to examine how the age limit policy aligns with constitutional principles, particularly those related to equality, non-discrimination, and the right to participate in public affairs. The analysis also considers the practical implications of the policy, including its impact on regional autonomy and the effectiveness of local governance. This study aims to provide a balanced evaluation of the regional head age limit policy, considering both legal consistency and the promotion of capable leadership at the regional level.

2. LITERATURE REVIEW

2.1 Legal Framework of Regional Head Age Limit Policy

The age limit for regional heads in Indonesia, governed by Law No. 10 of 2016 concerning Regional Head Elections, plays a crucial role in ensuring candidates' maturity and experience for effective governance [2]. However, the appointment of members of the Indonesian National Army as Acting Regional Heads contradicts existing laws, leading to limitations on their authority in implementing regional government functions [6]. Furthermore, controversies surrounding age limits for presidential and vice-presidential candidates have emerged, with the Constitutional Court's decision sparking debates ahead of the 2024 elections [7]. Analyzing the elimination of age limits for marriage in Indonesia from a human rights perspective reveals conflicts with societal

norms and religious beliefs, impacting legal, sociological, and theological aspects [1]. The changes in presidential candidate requirements, influenced by Islamic values, aim to broaden political participation and leadership opportunities for young individuals while ensuring compatibility with Islamic principles [5].

2.2 Supreme Court Decisions and Their Impact

The Supreme Court's decision Number 23 P/HUM/2024 has sparked considerable debate among legal scholars and policymakers. The decision challenging age limit criteria highlights the necessity to review them in accordance with constitutional principles and democratic values, emphasizing the rights to equality and non-discrimination [8]. Legal experts suggest that this decision could lead to a reevaluation of age restrictions, potentially fostering more inclusive and representative regional governance [8]. This reexamination aligns with the broader context of protecting the rights of vulnerable groups, such as persons with disabilities and the elderly, as seen in other studies [9], [10]. By ensuring that age limits are in harmony with constitutional rights, there is a potential for enhancing governance structures to be more inclusive and reflective of democratic values, ultimately promoting a fairer and more equitable society.

2.3 Democratic Principles and Age Limit Policies

Democratic governance requires a delicate balance between regulation and inclusivity, emphasizing equal opportunities for all eligible citizens to engage in public affairs [11], [12]. The age limit policy, as seen in the Indonesian context, should not be arbitrary but grounded in empirical evidence of leadership effectiveness at various ages [5]. Studies have shown that democratic governance is crucial for protecting individual rights and freedoms, especially during global disruptions like the COVID-19 pandemic [11]. Furthermore, the strength of democratic governance has been linked to lower excess mortality rates during the pandemic, highlighting the importance of

effective governance in crisis situations [13]. Therefore, evaluating age limits for leadership positions within the framework of democratic principles is essential to ensure competent and inclusive governance while upholding the values of democracy and effective leadership [5].

3. METHODS

This study employs a normative juridical analysis to evaluate the regional head age limit policy in Indonesia following the Supreme Court Decision Number 23 P/HUM/2024. The normative juridical approach is suitable for analyzing legal norms, principles, and regulations within the context of constitutional and democratic frameworks. This section outlines the research design, data collection methods, data analysis techniques, and the ethical considerations taken into account during the study. The research design of this study is qualitative and descriptive, focusing on the analysis of legal texts, statutory regulations, and judicial decisions. The objective is to understand the legal rationale behind the age limit policy, its alignment with constitutional principles, and its implications for regional governance. The study also aims to provide recommendations for refining the policy to enhance its consistency with democratic values and effective governance.

3.1 Data Collection Methods

Data collection for this study involves two primary sources: primary legal sources, including statutory regulations such as Law No. 10 of 2016 concerning Regional Head Elections, Supreme Court Decision Number 23 P/HUM/2024, and other relevant legal documents and judicial decisions; and secondary legal sources, including academic articles, books, and legal commentaries on the age limit policy, democratic principles, and regional governance, as well as comparative studies on age limit policies in other democratic countries, and government reports and policy papers related to regional autonomy and leadership.

3.2 Data Analysis Techniques

The data analysis process involves several steps: legal interpretation, which includes the interpretation of statutory regulations and judicial decisions to understand the legal rationale and principles underlying the age limit policy, and the analysis of the Supreme Court's reasoning in Decision Number 23 P/HUM/2024, focusing on its constitutional and democratic implications; comparative analysis, which involves the comparison of Indonesia's age limit policy with those of other democratic countries to identify best practices and potential areas for policy improvement, and the evaluation of the impact of different age limit policies on regional governance and leadership effectiveness; and thematic analysis, which includes the identification of key themes and patterns in the literature related to age limits, democratic participation, and regional autonomy, and the synthesis of findings to draw conclusions about the policy's alignment with constitutional principles and its practical implications.

4. RESULTS AND DISCUSSION

4.1 Legal Rationale Behind the Age Limit Policy

The primary legal rationale for the age limit policy is to ensure that candidates for regional head positions possess the necessary maturity, experience, and physical fitness to handle the responsibilities of governance. Law No. 10 of 2016 stipulates that candidate must be at least 25 years old. This age threshold is intended to balance the need for youthful energy and innovation with the requirement for experience and wisdom. The policy aims to promote capable and effective leadership at the regional level.

However, the Supreme Court Decision Number 23 P/HUM/2024 has brought this rationale into question. The Court's decision highlights that the age limit must be evaluated in light of constitutional principles, particularly those related to equality and non-discrimination. The decision suggests that the age limit should not be arbitrary and must be justified by clear,

empirical evidence of its necessity and effectiveness in ensuring good governance.

4.2 Alignment with Constitutional Principles

The age limit policy must align with constitutional principles, including the rights to equality, non-discrimination, and participation in public affairs. The Indonesian Constitution guarantees these rights, emphasizing that all citizens should have equal opportunities to participate in the political process. The age limit, while intended to ensure competent leadership, must not unduly restrict these rights.

The Supreme Court's decision underscores the importance of balancing the age limit policy with constitutional principles. It highlights the need for a nuanced approach that ensures both legal consistency and the promotion of democratic values. The decision suggests that the age limit policy should be reviewed to ensure that it does not unjustly exclude capable individuals from participating in regional governance based solely on their age.

4.3 Impact on Regional Governance

The age limit policy has significant implications for regional governance in Indonesia. By setting a minimum age requirement, the policy aims to ensure that regional heads have the maturity and experience necessary for effective leadership. However, overly restrictive age limits could hinder the recruitment of dynamic and innovative leaders, potentially impacting the quality of regional governance.

Research indicates that effective regional governance requires a diverse range of leaders, including both experienced individuals and those who bring fresh perspectives and innovative ideas. The age limit policy should therefore be flexible enough to accommodate a broad spectrum of candidates, ensuring that regional governments can benefit from a mix of experience and innovation. The Supreme Court's decision provides an opportunity to reassess the age limit policy to better support this goal.

4.4 Comparative Insights from Other Democratic Countries

A comparative analysis of age limit policies in other democratic countries reveals a range of approaches. In the United States, for example, the minimum age for candidates for the presidency is 35, while the minimum age for candidates for the House of Representatives is 25. In the United Kingdom, the minimum age for candidates for Parliament is 18. These varying age limits reflect different cultural and political values, as well as differing views on the balance between experience and innovation in leadership.

Comparative studies suggest that age limit policies should be based on empirical evidence and tailored to the specific context of each country. In Indonesia, this means considering the unique challenges and opportunities of regional governance, as well as the need to promote both experienced and innovative leadership. The Supreme Court's decision provides a valuable impetus for such a reassessment.

4.5 Recommendations for Policy Refinement

Based on the findings of this study, several recommendations can be made for refining the regional head age limit policy in Indonesia:

- a. Consider lowering the minimum age requirement to allow younger candidates with fresh perspectives and innovative ideas to participate in regional governance.
- b. Introduce a flexible age range that accommodates both younger and more experienced candidates, ensuring a diverse pool of potential leaders.
- c. Base the age limit policy on empirical evidence of the effectiveness of leaders at different ages, ensuring that the policy is justified by clear and objective criteria.
- d. Regularly review the age limit policy to ensure its alignment with constitutional principles of equality,

non-discrimination, and democratic participation.

- e. Implement measures to promote inclusivity and ensure that capable individuals are not excluded from leadership roles based solely on their age.

The Supreme Court Decision Number 23 P/HUM/2024 has highlighted the need for a critical reassessment of the regional head age limit policy in Indonesia. The findings of this study suggest that while the policy aims to ensure capable leadership, it must also align with constitutional principles and promote democratic values. By refining the age limit policy to be more flexible and evidence-based, Indonesia can enhance the quality of regional governance and ensure that all capable individuals have the opportunity to contribute to the political process. The recommendations provided in this study offer a roadmap for policymakers to achieve this goal.

5. CONCLUSION

The Supreme Court Decision Number 23 P/HUM/2024 has underscored the

necessity for a critical reassessment of Indonesia's regional head age limit policy. This study's normative juridical analysis reveals that while the age limit aims to ensure competent leadership, it must also be aligned with constitutional principles of equality, non-discrimination, and democratic participation. Overly restrictive age limits could hinder the recruitment of dynamic and innovative leaders, impacting the quality of regional governance. By considering empirical evidence and adopting a more flexible age range, the policy can better accommodate a diverse pool of candidates, ensuring both experienced and innovative leadership. The recommendations provided—lowering the minimum age requirement, implementing a flexible age range, and ensuring constitutional consistency—offer a roadmap for policymakers to refine the age limit policy. This balanced approach will enhance the quality of regional governance and ensure that capable individuals are not unjustly excluded from leadership roles, thereby promoting justice, democratic values, and effective governance in Indonesia.

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