

Legal Experts' Perceptions Regarding the Dissenting Opinion of Constitutional Court Judges (Study: Constitutional Court Decision Number 90/PUU/XXI/2024)

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ABSTRACT

The text discusses the dissenting opinion in the decision of the Constitutional Court Judge in the case of the petition a qua No. 90/PUU-XXI/2023 which examines article 169 letter q regarding the minimum age limit requirements for presidential and/or vice-presidential candidates. The dissenting opinion in the decision has generated both pro and contra perceptions from legal experts. However, the dissenting opinion of some Constitutional Court Judges does not invalidate the decision; the decision is final and can be enforced as determined by the Constitutional Court. Methodologically, this research uses a normative research method through library research, which includes legal materials related to the formulation of the problem, such as legislation, books, journals, and other related readings. These materials are then systematically collected, organized, and examined in order to draw a conclusion to address the problem formulation.

INTRODUCTION

Judicial power is an important optic to guarantee the upholding of law in a country which is a country of law. One of the countries in the world that declares itself a country of law is Indonesia, as stated in the Indonesian constitution, article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (UUD 1945), which reads: The State of Indonesia is a country of law. The rule of law itself will give rise to unavoidable consequences, including that law enforcement must reflect justice for society, there must be a guarantee of the independence of a judge in deciding the cases being handled, and the quality of the legal products must be good.

However, in its implementation, the Laws (UU) created by the legislators were not all responded positively by the public, in fact, there were often conflicts between the UU and the 1945 Constitution. Unfortunately, before the reformation, there was no special institution authorized to conduct a judicial review of UU against the 1945 Constitution, there was only the Supreme Court whose authority was limited to deciding on legal disputes over the legality of laws and regulations under UU, while regarding the constitutionality test of UU against the 1945 Constitution, there was none, thus creating a vacuum in law enforcement institutions. Experts also debated the importance of establishing a judicial review institution.

Thus, the idea of establishing a Judicial Review institution was actually put forward by Prof. Muhammad Yamin before independence on August 17, 1945, precisely when entering the discussion of the Draft Constitution of 1945 (RUUD 1945) at the Investigating Committee for Preparatory Efforts for Indonesian Independence (BPUPKI). Unfortunately, this idea was not heeded (rejected) by Prof. Soepomo on the grounds that the 1945 Constitution being discussed did not yet adopt the Trias Politica concept, while the right to judicial review of laws against the 1945 Constitution was only carried out in countries that adopted the trias politica concept. The second reason was that the number of legal scholars and experts owned by the Indonesian nation was still small and inexperienced, making it impossible to immediately form a judicial review institution in a short time.

The public is also divided into two camps between those who agree (pro) and those who (contra) the Constitutional Court's decision, including legal experts. Thus, this article will discuss how "Legal Experts' Perceptions Regarding the Dissenting Opinion of Constitutional Justices regarding the decision of case No. 90/PUU-XXI/2023.

LITERATURE REVIEW

Entering the beginning of the New Order era, the competence to conduct judicial review of laws against the 1945 Constitution was again debated, but was rejected by the government so that for 32 years of the New Order regime in power, the tug-of-war regarding which institution would be given the right to test laws against the 1945 Constitution did not reach a clear point. What could be agreed upon was only the regulation regarding the judicial review of laws and regulations below the law. The bright spot of the debate above only found an agreement (consensus) after Suharto stepped down from the presidential

throne. The fall of the New Order Regime had a major impact on the Indonesian state system, one of the visible fruits of reform was the amendment of the 1945 Constitution which was considered sacred during the New Order. The amendment of the 1945 Constitution was carried out in stages four times and the provisions of the Judicial power were included in the third agenda by adding article 24C concerning the Constitutional Court.

Although Indonesia is not the first and is the 78th of all countries in the world that have a Constitutional Court institution, the existence of this institution has succeeded in carving a new color to the Indonesian state system. This institution is designed to be a fortress and guardian of the constitution. The position of the Constitutional Court is in Article 24C paragraph (1) and paragraph (2) of the 1945 Constitution as amended, which was then reaffirmed through Law No. 24 of 2003 concerning the Constitutional Court.

Reported from the official website of the Constitutional Court, there were 3851 cases received throughout 2003-2024, the number of cases handled consisted of 47% Judicial Review (PUU), 1% State Institution Authority Hearing (SKLN), 23% General Election Result Disputes (PHPU), and 29% Regional Election Result Disputes. The high percentage of applications handled by the Constitutional Court today is still dominated by Judicial Review (PUU). One of the Constitutional Court decisions regarding Judicial Review (PUU) against the 1945 Constitution that caused controversy in society was decision No. 90/PUU/XXI/2024 which granted the a qua application regarding changes to the minimum age limit for presidential and/or vice presidential candidates. The public had different opinions regarding this decision.

METHODOLOGY

In this research, the author uses a normative approach through a literature study which is carried out by researching, reviewing and conducting theoretical studies on secondary data sources. in the form of legal materials related to the formulation of the problem, namely laws and regulations, books, journals, and other related readings. The data collected is then systematically arranged, reviewed, then a conclusion is drawn to answer the formulation of the problem above.

RESEARCH RESULT AND DISCUSSION

Dissenting Opinion

Dissenting opinions are nothing new in the world of Indonesian law, this term has existed for example in 2009 in decision No. 138/PUU-VII/2009, where Constitutional Judge Muhammad Alim had a dissenting opinion with Constitutional Judge Mahfud MD regarding the judicial review of the Government Regulation in Lieu of Law (Perpu) against the 1945 Constitution. In other cases, judges, including Constitutional Justices, sometimes issue dissenting opinions, something that judges usually do when examining and deciding cases in the courtroom. The principle of dissenting opinions begins when there is a difference in understanding from the panel of Constitutional Justices regarding the case being handled.

A dissenting opinion is a real reflection of a judge's independence. In principle, judges, including Constitutional Judges, have freedom, including the freedom not to follow the understanding of fellow judges in examining and deciding cases being handled. The Constitutional Court is only responsible to God Almighty, not to fellow human beings (the government). Thus, the caution of the Constitutional Court not to be shaken by temptations or external or internal interventions of the judicial institution that can interfere with considerations must be truly proven through its decisions.

Heni Susanti & Ferry Adi Fransista are of the opinion that dissenting opinions are possible for the Constitutional Court Panel as a consequence of the independent nature of the judiciary. Then Arsha N. Nurul explained, the occurrence of dissenting opinions begins when there is a difference in understanding of the case handled by the Constitutional Court Justices, either as a majority or a minority. Furthermore, Arsha emphasized that the application of dissenting opinions as one aspect in legal science must be assessed objectively so that no misunderstandings are formed in society. The implications of dissenting opinions themselves can be interpreted positively or negatively depending on which opinion the dissenting opinion is to be based on.

Position of the Constitutional Court

The Constitutional Court of the Republic of Indonesia is a high state institution resulting from the amendment of the 1945 Constitution of the Republic of Indonesia which is included in the Judicial group. The role of this institution in the Indonesian state system which is designed as an executor of judicial power after the Supreme Court is still relatively early, although its contribution is relatively large in upholding the constitution. The Constitutional Court is given the authority to try cases at the first and final level, the decisions of which are final and binding to test laws against the 1945 Constitution of the Republic of Indonesia, decide on disputes between state institutions, decide on the dissolution of political parties, and decide on disputes over general election results. And other authorities given are the obligation of the Constitutional Court to examine and decide on the opinion of the DPR against the President or Vice President who is suspected of committing a violation of the law in the form of treason against the state, bribery, corruption, no longer fulfilling the requirements as President or Vice President, and committing other serious crimes. So that the Constitutional Court does not have the authority to decide cases outside the provisions of Article 24C of the 1945 Constitution.

The Constitutional Court exercises judicial power independently, meaning that the Constitutional Court may not be intervened by external or internal judicial forces that could interfere with the independence of judges in deciding cases. The independence of the Constitutional Court in exercising judicial power is regulated in Article 24 paragraph (1) of the 1945 Constitution, which states that "judicial power is an independent power to administer justice in order to uphold law and justice." The independence of the Constitutional Court in exercising judicial power is reaffirmed in Article 2 of Law No. 24 of 2003 concerning the Constitutional Court, the substance of which is more or less the

same as Article 24 paragraph (1) of the 1945 Constitution, namely to uphold law and justice. Thus, in order to maintain the dignity of the court and for the sake of justice, Bagir Manan emphasized that in order for the court to be independent, judges must be free from all pressure and interference from the government.

By placing the judiciary as an independent institution from all internal and external power pressures, this can better guarantee the implementation of the rule of law as stated in the constitution, article 1 paragraph (3) of the 1945 NRI Constitution, which states firmly that "The State of Indonesia is a state of law." The characteristics of a state of law according to A. Irwan Hamzani are that the law must be placed at the top and no one may place their position above the law, and the wheels of government are run based on the law, not the personal will of those in power. So that the law becomes the commander who leads a country, not the other way around, the country is led by humans (rulers) and the law only becomes an instrumental material for the power of certain people or groups (the rule by law). In addition, legal development must be optimized, Fridmen in his book said that legal development can be done through three aspects: (a) the aspect of legal substance, (b) the aspect of legal culture, and (c) the aspect of the structure of law enforcement.

Good law enforcement is the main key to the principle of a state of law. Thus, to ensure that law enforcement runs well, the existence of judges as executors of judicial power must be regulated in such a way that judges including judges of the Constitutional Court can provide legal certainty, legal benefits, and legal justice through their decisions. The Constitutional Court of the Republic of Indonesia has nine (people) judges appointed from three high state institutions, namely: Executive, Legislative, and Judicial with a term of office of 5 years and can then be re-elected for only one further term of office. The composition of the Constitutional Court judges consists of 1 (person) concurrently serving as chief judge, 1 (person) concurrently serving as deputy chief, and 7 (people) concurrently serving as member judges.

One of the basic principles of a Constitutional Court Judge is that he/she may not try cases related to his/her personal interests (conflict of interest). In addition, Constitutional Judges in deciding on applications have freedom including the freedom not to follow the understanding of fellow judges, in other words, they can issue a different opinion (dissenting opinion) on the case being handled. Differences of opinion between Constitutional Court judges themselves have been regulated in Article 45 of Law No. 24 of 2003 concerning the Constitutional Court, which says the following:

Article (6) outlines that if the judges' deliberation does not produce a decision, the deliberation is postponed until the next deliberation. Furthermore, article (7) states that if after an effort the deliberation still does not reach a consensus, the decision can be taken by a majority vote. Then article (8) adds that if the deliberation as referred to in article (7) cannot be taken by a majority vote, then the last vote of the chief constitutional judge will be the deciding vote. And article (10) emphasizes that if the decision does not reach a consensus

as referred to in article (7) and article (8), any differences of opinion from the panel of judges are included in the decision.

The article above grammatically provides flexibility to the panel of Constitutional Court judges who have different opinions in examining applications so that the judges can provide considerations based on their respective beliefs obtained from scientific knowledge and trial facts. By implementing a dissenting opinion, according to Hangga Prajatama, it makes it easier for the public to control and assess the performance of the Constitutional Court panel of judges. Every dissenting opinion of a Constitutional Court Judge will not only have an impact on the quality of the decisions of the panel of judges, but will also have implications for the legal awareness of the community. The community will place every dissenting opinion of a Constitutional Court Judge as a new education that can support maturity in law.

Dissenting opinion is not necessarily absolute, it can only be done if it is oriented towards enforcing law and justice. Justice is also relative, nothing is absolute, it depends on the panel of judges to base on what concept of justice in examining and deciding the application (case), because theorists have different concepts in interpreting the concept of legal justice. Especially in the context of Indonesia where the role of judges is not only required to present justice but must provide legal certainty and benefits in their decisions. So that in practice it causes debate and makes it difficult for judges to present all three in their decisions. What can be agreed upon by some opinions is that the substance of justice must be prioritized over legal benefits and certainty. However, the panel of constitutional judges has its own independence so that it does not have to be in line with the opinion above, this is proven during the judges' deliberations where there are often differences of opinion (dissenting opinions) from the panel of constitutional judges.

The recent dissenting opinion by the Constitutional Court Justices can be seen in decision No. 90/PUU/XXI/2024, which contains a judicial review of Article 169 letter q of Law No. 7 of 2017 concerning the minimum age limit for presidential and/or vice presidential candidates, which was decided on December 19, 2023. Of the 9 Constitutional Court Justices, 3 Justices partially granted the petition, 2 Justices partially granted the petition for different reasons, and 4 Justices rejected the petition. The 5 Constitutional Court Justices who granted the petition were: Justice Anwar Usman, Justice M. Guntur Hamzah, Justice Manahan Sitompul, Justice Enny Nurbaningsih, and Justice Daniel Yusmic. Meanwhile, the 4 Constitutional Court Justices who firmly rejected the petition were: Justice Saldi Isra, Justice Suhartoyo, Justice Arief Hidayat, and Justice Wahiduddin Adams.

Consenting Opinion and Dissenting Opinion of Constitutional Court Judges

Zainal Arifin Muktar during an interview with tvone on December 19, 2023, mentioned different reasons from Enny Nurbaningsih and Daniel Yusmic which were different but granted the request as or concurrent opinion, while the different opinions of Saldi Isra, Suhartoyo, Arief Hidayat, and Wahiduddin

Adams were called dissenting opinions. The consenting opinion or concurrent opinion and dissenting opinion of the Constitutional Court Justices will be explained below.

The different reasons (Consenting Opinion) or (Concurrent Opinion) in decision No. 90/PUU/XXII/2024 are as follows:

1. Enny Nurbaningsih's different reason for granting part of the a quo application was because the applicant's argument had specifically outlined in her petitum "being at least 40 (forty) years old or having experience as a regional head at both the provincial and district/city levels". This argument is considered different and more complete compared to the previous petition of the applicant which did not include the phrase "at least 40 (forty) years old", but was only written using symbols that seemed to be understood by the panel of Constitutional judges.
2. Daniel Yusmic's different reason for granting part of the a qua petition is because the applicant's petitum has specifically stated that it is for the position of regional head directly elected by the people as is the filling of the positions of President and Vice President. With this consideration, Daniel Yusmic chose a different reason in granting part of the applicant's petitum and said that article 169 letter q is contrary to the 1945 Constitution as long as it is not interpreted as "at least 40 (forty) years old or experienced as a regional head at the provincial level".

Meanwhile, the dissenting opinion from the four panels of Constitutional Justices in decision No. 90/PUU/XXII/2024 is as follows:

1. Constitutional Justice Wahiduddin Adams chose a dissenting opinion in the a qua petition because he had several reasons as the basis for his considerations so that he remained firm in his position to reject the a qua petition. The reasons referred to include:
 - a. Article 169 letter q of Law No. 7 of 2017 concerning General Elections is the open legal policy of the legislators.
 - b. The applicant's petitum is not included as a constitutional requirement if it is linked to article 6 paragraph (1) of the 1945 Constitution of the Republic of Indonesia.
 - c. Article 169 letter q of Law No. 7 of 2017 concerning General Elections does not violate morality, does not conflict with the 1945 Constitution, does not violate the values of justice, etc., except that it only conflicts with political rights and the principle of people's sovereignty.
 - d. If the Constitutional Court grants the application in whole or in part, then the decision becomes a legal certainty that does not reflect justice and is therefore contrary to Article 28D paragraph (1) of the 1945 Republic of Indonesia Constitution.
2. Constitutional Justice Saldi Isra chose a dissenting opinion and rejected the a qua application based on the following legal arguments:
 - a. Article 169 letter q of Law No. 7 of 2017 concerning General Elections is an open legal policy of the legislator. Thus, it is appropriate that

- the a qua application be changed with a legislative review mechanism in the legislative institution (DPR).
- b. Saldi Isra felt confused and truly confused by the Court's attitude that changed its position in an instant, where in the previous decision (decision 29-51-55/PUU-XXI/2023) the Court clearly and firmly stated that the norm of Article 169 letter q of Law No. 7 of 2017 is the open legal authority (open legal policy) of the legislator so that the Court rejected the application. Then in the a qua application, some of the Judges changed their position from rejecting the aqua application to granting part of the a qua application, making Saldi Isra wonder and according to him it was far from the limits of reasonable reasoning.
 - c. Saldi Isra also questioned several irregularities that he considered to be a mystery in the a qua petition, especially those related to (a) the presence of Chief Justice Anwar Usman who was never present in the previous decision, thus changing the composition of the Constitutional Justices, (b) important changes in society that caused some Constitutional Justices to change their stance from rejecting the a qua petition to granting the a qua petition, and (c) the verdict phrase that did not correspond to the applicant's petitem, where the verdict stated "ever/currently holding a position elected through general elections including regional head elections. Whereas in the applicant's petitem it only stated "experienced as a regional head at both the provincial and district/city levels. With the shift in the phrase "experienced" to "ever/currently" the Court had jumped and was far from the substance of the procedural law that should have been a guideline.
3. Constitutional Justice Arief Hidayat chose a dissenting opinion in the a qua application because he had several reasons to continue to reject the a qua application. The reasons referred to here are that Case No. 90/PUU-XXI/2023 was withdrawn and then re-submitted within a relatively short time so that it is not relevant to the provisions of Article 75 paragraph (1) letter b, and paragraph (3) letter c of Law No. 2/2021, which states that an application that has been withdrawn cannot be re-submitted. In addition, there are similarities in the information between case No. 90/PUU-XXI/2023 and case No. 91/PUU-XXI/2023.
 4. Constitutional Justice Suhartoyo chose a dissenting opinion and rejected the a qua application on the basis of the legal argument that the applicant did not have legal standing under the norm of Article 169 letter q of Law No. 7 of 2017 which has legal standing under the application of Article 169 letter q of Law 7/2017 only legal subjects who will nominate themselves as presidential and vice presidential candidates.

As a result of the dissenting opinion from the Constitutional Justices above, it has drawn various comments from the public, including from legal experts. These comments stem from the dissatisfaction of legal experts with the Constitutional Court's decision which does not seem to reflect law enforcement

that should be perpendicular to legal norms and the constitution. As a result of this decision, legal experts have expressed their opinions through discussion forums, seminars, mass media, and mass actions (demonstrations) together with students and the public.

Perception of Legal Experts Regarding Dissenting Opinions of Constitutional Court Judges

Judging from the legal reasoning used by the four (dissenting) Constitutional Justices, it cannot be separated from the doctrines contained in legal science. The argument of the 4 Constitutional Justices, when viewed from the legal doctrine, seems to base its argument on the doctrine of legal positivism. The essence of this legal positivism doctrine is to adhere to the written norms (Laws) that apply in a country, so that judges in deciding cases must be guided by the written norms (Laws) and may not use other legal reasoning than those written. In addition to the doctrine of legal positivism on the one hand, there is also the doctrine of natural law on the other hand which is used as a guideline by the 4 (four) Constitutional Justices. The essence of the doctrine of natural law here is that one of them is that the law must be moral, anything that is immoral cannot be justified and can be concluded to be against the law. The real evidence of the violation as referred to in the natural law doctrine here can be seen from the involvement of Anwar Usman who participated in deciding the case in the a qua application which was later decided by the Constitutional Court's Honorary Council (MKMK) to have violated the code of ethics. Anwar Usman is the brother-in-law of President Jokowi Dodo and is the uncle of Gibran Rakabuming Raka.

Although the dissenting opinion from some Constitutional Justices does not overturn the verdict, the substance of the dissenting opinion will have real implications for the legal system in Indonesia, especially the dissenting opinion from Saldi Isra. According to Bivitri, Saldi Isra's legal reasoning which highlights the existence of unreasonable legal reasoning illustrates the existence of sharp differences of opinion and strengthens the political character of the verdict. Only Isra's statement did not explicitly explain what kind of unfairness was meant, thus triggering various kinds of speculation in society, including among legal experts.

Denny & Zainal Arifin Muktar consider that placing the minimum age at 40 years or having/currently held the position of regional head, is contrary to the constitution, including the provisions of Article 1 paragraph (1) and (2), and Article 28D paragraph (1) of the 1945 Constitution. Furthermore, Denny & Zainal highlighted that Anwar Usman's involvement in the case reflects the lack of objectivity of a judge because the case being handled is related to personal interests (family). Therefore, it is appropriate for Anwar Usman to resign or not be involved in the examination of the case in accordance with the provisions of Article 17 paragraph (5) and paragraph (6) of Law No. 48 of 2009 concerning Judicial Power. Not to involve himself so that the case becomes non-objective or does not meet formal requirements.

In line with that, Muchamad Ali Safa'at, as Professor of Constitutional Law at the Faculty of Law, Brawijaya University (UB) assessed that there were irregularities in the Constitutional Court's decision No. 90/PUU-XXI/2023. One of the irregularities referred to here is related to the addition of norms that should not have been carried out by the Constitutional Court because the essence of the Constitutional Court only tests the constitutionality or unconstitutionality of a law against the 1945 Constitution. Another irregularity that should be questioned is related to the attitude of the Constitutional Court Judges who changed their stance in a relatively short time. Furthermore, Muchamad Ali Safa'at argued that in theory court decisions are allowed to change according to developments in society or there are new arguments underlying the change, but that did not happen in an instant so it is suspicious why some Constitutional Judges in decision 90/PUU-XXI/2023 changed their stance in just a matter of days.

Constitutional Court Decision No. 90/PUU-XXI/2023 which tests Article 169 letter q concerning the minimum age limit for presidential and/or vice presidential candidates is the most crucial test of the law, due to the non-independent attitude of a Constitutional Judge who is easily intervened by external forces. Hamdan Zoelva as quoted by Anggar & Saiful also suspected that there were irregularities within the Constitutional Justices when examining and deciding case No. 90/PUU-XXI/2023. Especially seen from the dissenting opinion of the panel of judges Saldi Isra who openly expressed confusion over the change in the Constitutional Court's attitude. This was considered by Zainal Arifin Muktar as a form of anger that reflects that there is indeed a problem within the Constitutional Justices themselves that must be immediately fixed to maintain the dignity of the Constitutional Court and restore public trust in the Constitutional Court.

Regarding the above problems, a constitutional law expert, Muhammad Rullyndi, also commented. According to M. Rullyndi, although a number of judges were reported to the MKMK, the report did not fulfill the elements of an ethical violation, because the judge's attitude still reflected his independence. Furthermore, M. Rullyndi also said that there was no problem with the addition of norms made by the Constitutional Court, because in principle the Constitutional Court is the guardian of the constitution which has the independence to decide cases as regulated in the judicial power system. M. Rullyndi's opinion is very different from the previous opinion above.

The Constitutional Court Decision No. 90/PUU-XXI/2023 was issued at the same time as the political year (election) so it is not wrong if some people assume that the case was carried out only to accommodate certain candidates. A number of students who are members of the All-Indonesian Student Executive Board Alliance (BEM SI), Melgi as the coordinator said that the Constitutional Court's decision seemed to show the strong family and political relations of the Jokowi family. Even Dedi Kurnia Syiah, a political observer from the Indonesian Political Opinion Institute (IPO) openly suspected that the granting of case No. 90/PUU-XXI/2023 by the Constitutional Court was only for the benefit of Gibran Rakabuming Raka who in the 2024 election was one of

the prospective candidates who was predicted to be paired with Prabowo Subianto.

Thus, although the decision 90/PUU-XXI/2023 has initiated many comments from the public, discussion forums, practitioners, legal experts and triggered demonstrations in various places, in terms of legal validity, the decision has permanent legal force (final and binding) and can be enforced in accordance with that determined by the panel of constitutional judges. The pros and cons that surround the decision certainly cannot be denied and will become a history that continues to color the journey of Indonesian legal development in the future

CONCLUSIONS AND RECOMMENDATIONS

Based on the description of case No. 90/PUU-XXI/2023, which tests Article 169 letter q of Law No. 7 of 2017 concerning General Elections and was decided in 2023 by the Constitutional Court, it can be concluded that the a quo decision has significant implications for multiple aspects of constitutional law and governance. First, the presence of dissenting opinions among the Constitutional Court justices highlights a divergence in judicial interpretation and reasoning, reflecting the complexity of balancing constitutional mandates with political realities. Second, the decision has generated debates and critical analysis among legal scholars and practitioners, questioning its consistency with broader democratic principles, its potential precedent-setting impact, and its practical implications for future elections. Additionally, the ruling underscores the dynamic interplay between constitutional adjudication and legislative processes, suggesting a need for further clarification and dialogue to harmonize interpretations and mitigate legal uncertainties. These implications reveal the multifaceted consequences of the decision, influencing not only the legal domain but also the political and academic spheres.

ADVANCED RESEARCH

The Constitutional Court's decision in case No. 90/PUU-XXI/2023, which examined Article 169 letter q of Law No. 7 of 2017 on General Elections, carries significant implications for the legal and academic landscape. First, the dissenting opinions among the justices highlight the interpretative diversity within the Court, underscoring the complexity and contested nature of the legal principles at stake. This division reflects broader debates about constitutional interpretation, particularly regarding the balance between democratic principles and legislative prerogatives. Second, the ruling has sparked substantial discourse among legal scholars, raising critical questions about its alignment with constitutional norms and its potential influence on electoral governance. These implications suggest that the decision is not merely a legal determination but also a catalyst for ongoing scholarly inquiry and dialogue regarding constitutional law and democratic processes.

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