

LEGAL ANALYSIS OF *LEGAL STANDING* ISSUES IN THE CONSTITUTIONAL COURT DECISION (IN THE CONSTITUTIONAL COURT DECISION NUMBER 90/PUU-XXI/2023)

BY:

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Abstrak

This research reviews constitutional review at the Constitutional Court (MK), especially in Case No.90/PUU-XXI/2023. The focus is on the applicant's legal standing and the Constitutional Court's considerations in making decisions. Legal standing is a legal right or position that allows a party to file a lawsuit before a court. In the context of material review, the applicant's legal position is the main determinant of the legitimacy of judicial review. Normative legal methods are used in this research to systematically and in-depth analyze the legal framework governing legal standing and the Constitutional Court's interpretation of it in the context of the cases studied. This research discusses the requirements and criteria for legal standing which are regulated in both the law and MK regulations, as well as the MK's interpretation of them in this case. The results show a debate surrounding the consistency, independence, and integrity of the Constitutional Court, especially regarding the controversial decisions received. Criticism emerged regarding the Constitutional Court's approach in assessing legal standing, where there were allegations of inconsistencies, loose assessments, and potentially dubious conflicts of interest. Thus, this research provides in-depth insight into the constitutional review process and the challenges faced by the Constitutional Court in maintaining its authority as an independent and credible constitutional justice institution.

Kata Kunci: *Legal Standing; Constitutional Court; Material Review;*

INTRODUCTION

Material testing of laws by the Constitutional Court (MK) is one of the crucial functions in maintaining the conformity of regulations with the constitution. Material testing not only has the potential to invalidate some of the

content of a law, but it can also result in a complete repeal. This situation arises when several articles that are considered incompatible with the Constitution are articles that are the main or essence of the law. As a result, if these articles are considered inappropriate, then the entire

structure or principle on which the law is based is disturbed. Even by removing several conflicting articles, laws that are currently under material testing will not be applicable (Gunawan, 2019).

The applicant is a legal subject who meets the requirements under the law to file a constitutional case. Legal Standing is a concept used to determine whether the applicant is affected enough that a dispute is brought before the court. The legal standing requirements have met the requirements for legal standing has been qualified if the applicant has a real interest and is legally protected. (Maruarar Siahaan, 2006).

If you look at the Constitutional Court Law, an application is a word used to file a case, not a lawsuit. Its application shows that the review of the Law is actually not a dispute regarding the interests of a party, and the Constitutional Court's Decision is final even though it is submitted by a person or individual, but the validity of the Decision applies as a whole and affects the applicable law in Indonesia. Then, to be able to understand that a person can apply for a legal test, they must have a reason to fight for constitutional rights that are protected or rights guaranteed by the 1945 Constitution and with the enactment of a law there is an assumption that their rights have been harmed. The loss must be a loss

experienced by the applicant himself, not the loss of someone else. In addition, the losses suffered by the applicant are original and current losses, not losses that may occur or have occurred before. The prerequisites for legal standing include the need for formal or legal conditions, as well as material needs or the existence of constitutional rights that are lost due to the ratification of the law in question. (Soimin, 2013). In the Constitutional Court, it is important to understand the legal standing of the applicant when testing the Law. The Applicant's condition under the Law is as the subject who submits the application. Legal standing must meet certain conditions, the main thing is that the applicant's interests are protected, both in real terms and legally. Legal standing is interpreted as a basis for being able to apply for a test of the Law, so it cannot be directly said to be a legal position because it must meet certain conditions. (Rahman, 2011)

After realizing the serious potential of material testing of the law by the Constitutional Court that could result in the partial or complete repeal of the law, it is important to carefully consider the legal standing aspect of the testing process. Legal standing is an important element in ensuring that material testing is carried out by parties who have a legitimate interest in the final outcome of the legal process.

Legal standing refers to the right of individuals, groups, or organizations to appear in court as a plaintiff in civil proceedings (Fikriya, Jaelani, & Rosidin, 2023). In the context of material testing at the Constitutional Court, legal standing determines whether the party applying for a material test has sufficient legal interests to carry out the legal action. In addition, the existence of Legal Standing is also one of the crucial elements related to legal protection for citizens against concrete actions and general policies implemented by the Government (Madril, Oce, & Hasinanda, 2021).

The Legal Standing held by the applicant plays a crucial role in the entire process of material testing of the law at the Constitutional Court. This is due to the position of the Constitutional Court as a judicial institution that has the authority to test the conformity of the law with the constitution. This concept is regulated in Article 24 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which explains that judicial power is exercised by the Supreme Court and judicial institutions under it, as well as by the Constitutional Court. As an independent judicial entity, the Constitutional Court is responsible for maintaining its independence in carrying out judicial duties

in order to uphold law and justice (Margi & Khazanah, 2022).

The legal standing that the Constitutional Court assesses to an applicant is very important, because it is related to important matters in receiving an application. (Ramdan, 2023). The Constitutional Court should be firm in examining legal standing in accepting the submitted application. In this case, the applicant must postulate his application based on article 51 paragraph (1) of Law Number 24 of 2003 concerning the Constitutional Court, namely:

1. Individual Indonesian citizens (including groups of people with similar interests);
2. The unity of customary law communities as long as they are alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia as regulated in the Law;
3. Public or private legal entities;
4. State institutions;

A deep understanding of the concept of legal standing is very important in ensuring that the process of material testing of the law is carried out by parties who do have legal feasibility to carry out the action. With a clear legal standing, the Constitutional Court can ensure that only

parties with real interests can apply to test the constitutionality of a law. This not only protects the Constitutional Court from abuse of the legal process, but also strengthens its integrity and authority as an independent constitutional judicial institution (Zahra et al., 2023). Thus, the Constitutional Court can provide fair and equitable decisions, as well as uphold the rule of law for the benefit of all Indonesian citizens. Through a careful understanding of legal standing, the Constitutional Court can ensure that every decision it takes will have a positive impact on justice and the rule of law in Indonesia.

However, in the Constitutional Court Decision Number 90/PUU-XXI/2023 regarding the testing of Article 169 letter q of Law 7/2017 regarding the age limit for presidential and vice presidential candidates, there was a slight irregularity where the Constitutional Court accepted an application submitted by a student named Almas Tsaqibbiru. This became a hot topic regarding the applicant's legal standing. Almas in his application reasoned that he had suffered a constitutional loss on the grounds that he wanted to become President and admired Gibran Rakabuming Raka. In fact, there were also several other applicants who submitted applications with the same essence, but were rejected by the Constitutional Court because it was

considered that the legal standing of the applicant was not strong, namely the case submitted by several parties. In fact, if you look at it and examine it again, those who qualify as presidential candidates and suffer constitutional losses, are applicants from parties who have a stronger legal standing than the legal standing of Almas himself.

In the application submitted, the applicant only postulated the legal position of the applicant's desire to become President and was inspired and admired by a Gibran Rakabuming Raka who according to the applicant's experience succeeded as the Mayor of Solo. This reason is certainly not directly related to the applicant, it is different if it is submitted by Gibran Rakabuming who may have suffered constitutional losses directly or the applicant has clashed with the KPU rules which are the embodiment of the Law. The applicant also did not explain in detail the relationship of constitutional losses of the applicant who aspires to become President with the age limit requirement. Indeed, the applicant has the potential to want to become President, but the question is whether the applicant will be nominated as President by the current political party or political party or in the upcoming 2024 election.

In this case, the Constitutional Court should decide that the Decision is unacceptable. This is certainly a matter of the judge's consideration in determining the applicant's legal standing. The Constitutional Court that is established must review the legal status of the applicant's legal standing which must also include the appropriate and specified matters in the Law, as well as material prerequisites, in particular regarding the loss of constitutional rights and also the loss of authority due to the enactment of a Law. (Yusa, 2023). In fact, the Constitutional Court approved the applicant because he qualified to be an applicant. The Constitutional Court is of the opinion that the applicant has submitted constitutional losses that according to the applicant have an impact on him and experienced. The Court considers that the Applicant's constitutional rights could have occurred, because the Applicant is a voter in the 2024 Election.

However, violations of the code of ethics do not affect the enforceability of the final decision, which must be implemented in accordance with the provisions of the law. To overcome this problem, stricter rules are needed regarding the inability of Constitutional Court judges to decide cases related to certain interests, as well as solutions to improve Constitutional Court

decisions born from violations of the code of ethics or other legal problems, either through the intervention of the legislative institution or reassessment by the Constitutional Court without involving judges who violated the previous code of ethics. Thus, this study highlights the importance of strengthening the integrity and independence of judges and improving the mechanism of ethical enforcement in the judiciary.

FORMULATION OF THE PROBLEM

The problem formulation in this discussion is as follows:

1. What is the Petitioner's Legal Standing in Case No. 90/PUU-XXI/2023?
2. What are the Judge's Considerations in Assessing the Legal Standing in Constitutional Court Decision No. 90/PUU-XXI/2023?

METHODE

This study uses a normative legal methodology approach that focuses on the analysis of laws and regulations, supported by an analytical descriptive approach. Using this method, the researcher is able to carefully investigate the legal framework related to the Constitutional Court, by identifying, analyzing, and interpreting relevant legal norms from various sources. This analysis

is carried out by referring to primary legal sources such as Constitutional Court decisions and also secondary legal sources such as legal literature and opinions from experts, with the aim of making a substantial contribution to the understanding and analysis of legal issues related to the Constitutional Court. In addition, this study emphasizes the importance of complying with research ethics as the main foundation for producing original research results that are useful for the development of science and legal development in Indonesia.

RESULT AND DISCUSSION

1. Legal Standing of the Applicant in Case No.90/PUU-XXI/2023

Legal standing is one of the requirements for filing an application in court, based on the existence of a right that is harmed by the enactment of a law. People who have legal standing can defend their rights in court. This is often related to the eligibility of a person before the Constitutional Court to submit an application. There are two conditions that must be met by the applicant's legal standing to submit an application, the first is a formal requirement and the second is a material requirement. If this condition is met, then the applicant has legal standing before the Constitutional Court to submit an application. (Gultom, 2023)

The process of testing the law at the Constitutional Court (MK) begins with the initial examination stage, which aims to assess the legal status of the applicants before entering the main stage of the case. Not all individuals or entities have the right or legal status to test constitutionality; Only those with clear and specific legal interests are entitled to apply. This concept is known as legal standing. According to Laica Marzuki, legal standing refers to a person's right or legal position to file a lawsuit or application before the court. (Scott, 2006)

Legal standing is a situation for a person or group to be able to apply to the Constitutional Court by meeting certain conditions. (Harjono, 2008) So certainty about legal standing is very important, because this is the beginning of submitting an application. The Court will assess the legal standing of the applicant first before looking at the application submitted. If the legal standing of the application is not strong enough to submit an application, then the court cannot accept the application. In addition to the law, article 4 paragraph (2) of the Constitutional Court Regulation Number 2 of 2021 concerning Law Testing Procedures provides additional explanation regarding the requirements for submitting an application for law testing to the Constitutional Court.

The constitutional rights and/or authority of the applicant as referred to in

paragraph (1) are considered to be harmed by the enactment of the Law or Perppu if:

1. There are constitutional rights and/or authority of the applicant granted by the 1945 Constitution;
2. The applicant's constitutional rights and/or authority are harmed by the enactment of the Law or Perppu that the applicant is applying for;
3. The constitutional harm in question is specific (special) and actual or at least potential that according to reasonable and certain reasoning will occur;
4. There is a causal relationship between constitutional losses and the enactment of the law or perppu that is requested to be tested; and
5. It is possible that with the grant of the application, such constitutional losses will no longer be or will not occur.

In Case No.90/PUU-XXI/2023, the applicant outlined his legal standing related to the application for a material test, which in essence is an effort to find alternatives to the age limit requirement to become a presidential or vice presidential candidate. The applicant proposes an alternative option that includes experience as a regional head, both as a governor at the provincial level and as a regional head at the district/city level. In his application, the Applicant affirmed his status as an Indonesian citizen, which can be proven through the possession of an ID card.

Currently, the Applicant is a student at the Faculty of Law, University of Surakarta, and has dreams of becoming president or vice president in the future. In addition, the Applicant highlighted that he was also inspired by a figure in the current government, namely Gibran Rakabuming Raka, who served as the Mayor of Surakarta in the 2020 - 2025 period. He emphasized that under the leadership of Gibran Rakabuming Raka, economic growth in Solo has increased significantly.

The article that is the subject of the test is Article 169 of Law N.7/2017, especially the part point (q) which sets a minimum age limit of 40 years for presidential candidates and Vice Presidential candidates. The Applicant considers that the provisions in Article 169 letter (q) have caused constitutional losses protected by three articles in the 1945 Constitution of the Republic of Indonesia. The three articles are Article 27 paragraph 1 which affirms the principle of equality of all citizens before the law and the government. The second article is Article 28D paragraph (1) which guarantees the right of every individual to justice, protection, and equal treatment under the law. While the third article is Article 28D paragraph (3) which affirms the right of every citizen to equal opportunities in government (Mudatsir & Samsuri, 2023).

In this case, Judge Suhartoyo did not give legal standing. Judge Suhartoyo reasoned that the Applicant who submitted the application was not a directly intersecting subject to be proposed as a candidate for President and Vice President. So that the Applicant does not have the legal standing to submit an application, there is a meaning of the norm of Article 169 letter q of Law 7/2017, especially submitted for the benefit of another party, namely Gibran Rakabuming Raka, as explained in the petitum of the application. According to judge Suhartoyo, the requirements to become presidential and vice presidential candidates are conditions that are indeed inherent in the person himself, and are not associated with other conditions regulated by the 1945 Constitution as must be proposed by the party or political party. Therefore, the conditions stipulated in Law Number 7 of 2017 concerning elections are conditions that must indeed be attached to people who want to run or be nominated as President and this article. Vice President. Therefore, for constitutional issues in article 169 letter q of Law Number 7 of 2017 concerning elections, it must be submitted by the Applicant who indeed feels a loss for the enactment of the article. If not, then the person cannot take issue with this article.

More simply, there is no relationship between the constitutional losses that the

Applicant has and what is regulated in the Law. This is in accordance with the requirements in article 4 paragraph (2) of the Constitutional Court regulation Number 2 of 2021. Thus, the Applicant is considered not to have actual or potential losses, therefore the Applicant does not have legal standing to submit an application. The applicant does not meet the formal legal or procedural requirements of the Constitutional Court in submitting an application. Based on the above considerations, Judge Suhartoyo argued that the Court should not give legal standing to the Applicant because the Applicant does not have a direct relationship of loss due to the enactment of the article. So the makhkamah should declare that the request is not acceptable.

In the constitutional test of Article 169 letter q of Law No.7/2017, if the applicant only relies on his desire to become president and is inspired by the Mayor of Surakarta, Gibran Rakabuming Raka, then this raises problems related to the applicant's legal standing. The applicant's legal standing is weakened because there is no adequate explanation regarding the constitutional losses caused by the disputed provision. The constitutional loss based on admiration for Gibran Rakabuming Raka as the Mayor of Surakarta is not connected to the petitum and the reason for the applicant's

application to propose alternative conditions related to elected officials. The issue of legal standing is increasingly complex by the fact that the applicant does not meet the qualifications as a candidate for regional head, legislative member, or presidential or vice presidential candidate (Subandri, 2023). As an illustration, if the applicant wants to register as a presidential or vice presidential candidate at the General Election Commission, but is constrained by the rules implemented by the KPU that comes from the law that is being disputed, then the problem has become real, even though it has not happened directly.

With the non-fulfillment of evidence of constitutional losses, it should be the basis for the Constitutional Court to reject the application. However, the Constitutional Court actually accepted and even granted the request, which shows that the Constitutional Court's assessment of the applicant's legal standing was not sufficiently based on juridical grounds.

It should be understood that the minimum age requirement for presidential and vice presidential candidates only applies to individuals who are legal objects in their personal capacity as presidential or vice presidential candidates. Therefore, individuals who have no intention of running for president or vice president actually have no legal basis to question the constitutionality of the rule. The

requirements to become presidential and vice presidential candidates must be complied with in accordance with applicable regulations. One of the conditions is that the pair of presidential and vice presidential candidates must be submitted by a political party or a combination of political parties, as stipulated in Article 6A Paragraph 2 of the 1945 Constitution of the Republic of Indonesia. Therefore, it is political parties and political party coalitions that have a direct interest in the requirements for presidential and vice presidential candidacy (Asrullah, Bachri, & Halim, 2021). Thus, applicants who are not eligible to run for president or vice president do not have the legal standing to challenge the provision before the Constitutional Court.

According to Jimly Asshiddiqie, each applicant must be (i) one of the four groups of legal subjects in Article 51 paragraph (1) of Law No. 8 of 2011 concerning Amendments to Law No. 24 of 2003 concerning the Constitutional Court as described in Article 3 of Constitutional Court Regulation No. 06/PMK/2005; (ii) that the subject of the law in question does have rights or authority as stipulated in the Constitution of the Republic of Indonesia of 1945; (iii) that the constitutional rights or authorities concerned have indeed been harmed or violated by the enactment of the law or part of the law in question; (iv) that

the existence or occurrence of the loss in question is indeed proven to have a causal relationship or causal relationship (causal verband) with the enactment of the law in question; (v) that if the application in question is granted, then the constitutional losses concerned can indeed be recovered by the repeal of the law in question. If these five criteria cannot be met cumulatively, then it can be ascertained that the person concerned does not have the legal standing to submit a case application to the Constitutional Court. The petitioners have not directly suffered specific and actual constitutional losses from the two (2) laws that were materially tested in the Constitutional Court or at least potential which according to reasonable reasoning can be ascertained to occur. (Asshiddiqie, 2010)

2. Judges' Considerations in Assessing Legal Standing in the Constitutional Court Decision Number 90/PUU-XXI/2023

The Constitutional Court gave legal standing to the applicant regarding the article on the age limit for presidential and vice presidential candidates, with the result of the decision granting the Petitioner's application in part. In its ruling, the Constitutional Court stated that Article 169 letter q of Law Number 7 of 2017 concerning General Elections which states, "at least 40 (forty) years of age" is contrary

to the Constitution of the Republic of Indonesia of 1945 and does not have binding legal force, as long as it is not interpreted as "at least 40 (forty) years old or has been/is occupying a position elected through general elections including the election of the head region".

The Constitutional Court's assessment of the applicant's legal standing stated that the applicant had suffered constitutional losses with the enactment of article 169 letter (q) of Law Number 7 of 2017. The presumption of loss of constitutional rights is that the applicant is a voter in the 2024 election, and according to the Court this loss is at least potential to occur. In this case, the loss suffered should be the loss felt directly by the applicant. If indeed the loss is experienced by the applicant, then it can be assessed that indeed the loss has the potential to occur. However, when viewed from the applicant's side, the applicant is not someone who has a direct impact on the enactment of article 169 letter q of Law Number 7 of 2017. The applicant is not the party who will be nominated to become President or Vice President in the 2024 election so that the losses experienced by the applicant are not potential. The applicant is also not a political member, which is one of the requirements to be nominated as President and Vice President in accordance with the 1945 Constitution. In terms of age, the

applicant is still very young and his status as a student. Therefore, it can be concluded that the constitutional losses suffered by the applicant are not potential or can occur and the applicant's assumption that the existence of his constitutional rights that is harmed does not have a cause and effect with the enactment of the article requested. In addition, the Constitutional Court also did not submit evidence regarding the losses suffered by the applicant. However, the Constitutional Court stated that regardless of whether or not it is proven that the norm postulated by the applicant is unconstitutional, the applicant has legal standing as the applicant in this application.

Constitutional Court Decision No. 90/PUU-XXI/2023, the Constitutional Court has introduced new rules that are not in accordance with the basic principles of the Constitutional Court, namely testing the constitutionality of existing norms. For example, in the case of the 40-year-old age requirement, the Constitutional Court should only decide whether the requirement is in accordance with the constitution or not. In his view, the addition of additional requirements such as "has/is in office through general elections including the election of regional heads" is considered inappropriate in the Constitutional Court's decision (BN, Arief, Sabir, & R, 2023). Meanwhile, Jimly Asshiddiqie argued that the Constitutional Court should only be

authorized to cancel existing norms, not add new rules. This emphasizes that the Constitutional Court should act as a judicial institution that only has the authority to cancel or maintain norms made by the House of Representatives with the President as positive legislators (Subandri, 2024).

The applicant did not suffer *constitutional injury* because he only had the status of a supporter of Gibran Rakabuming Raka and was not directly affected by Article 169 (q) of Law No.7/2017. Furthermore, Article 51 of Law No.24/2003. The Constitutional Court and some of its rulings have affirmed that the application must meet certain criteria, including showing specific constitutional harm, a clear cause-and-effect relationship, and the likelihood that with the grant of the application, the constitutional harm will or will no longer occur. However, in practice, this requirement is not met, as the applicant has no direct connection to the article being tested, especially since he is not interested in running as a presidential or vice presidential candidate in the 2024 general election. Therefore, the lack of proof of constitutional losses should be a reason for the Constitutional Court to reject the application. However, the Constitutional Court actually accepted and even granted the request (Mudatsir & Samsuri, 2023)

In the context of ethics and law, the principles of integrity and independence of judges play a crucial role in ensuring that the judicial process runs fairly and objectively. This is based on the belief that legal decisions must be based on judgment that is free from external influences or personal interests. Article 17 (5) of Law Number 48 of 2009 expressly stipulates the obligation for judges to withdraw from a case if there is a conflict of interest that may affect the objectivity of legal decisions, in order to maintain the integrity and public trust in the judiciary. These considerations are important because they not only affirm the moral obligation of judges to maintain their independence, but also to ensure that the resulting legal decisions are neutral and not influenced by irrelevant considerations or personal interests. Therefore, Decision No.90/PUU-XXI/2023 should be considered further, especially in the context of the ethical and legal considerations concerned.

From the reasons conveyed by Judge Suhartoyo, it can be understood that the article requested is related to a person's personal requirements to be able to run for President or Vice President, so the norms in the article are basically intended for someone who wants to run for office. This can be seen where article 169 letter q of Law Number 7 of 2017 is positioned in Chapter II regarding participants and

requirements for participating in the election and in the first part regarding the requirements for presidential and vice presidential candidates. Thus, this emphasizes that regarding the requirements for presidential and vice presidential candidates who apply is one of the conditions aimed at someone who wants to run for office, regardless of other conditions that are indeed determined by the 1945 Constitution. Therefore, it can be concluded that the intention of the norm of the article requested is the article in the form of a condition addressed to a person as one of the formal requirements that must be met to be able to run for President or Vice President. If a person who is not a party to be nominated as President and Vice President, then that person does not have the authority and legal standing to be able to apply for the article.

Judge Suhartoyo also said that in the case of the application for testing the article, the applicant submitted it because there was an interest for other parties. It is of course very basic, that the applicant does not have a relationship between the article requested and what the applicant asks for in his application. The applicant has no direct interest in the requested changes. The applicant excused himself by giving the example of other parties who in this case are regional heads who are under 40 years old and are considered successful in leading

their regions and have the potential to lead a country. If reviewed from article 4 paragraph (2) of PMK Number 2 of 2021, the applicant in this case does not have a relationship with the loss of constitutional rights experienced directly. The losses submitted by the applicant are also not losses that can be assessed as actual or potential losses. Therefore, the applicant should not have provided legal standing to be able to apply at the Constitutional Court.

As described above, it can be concluded that regarding the article that applies, the applicant does not suffer direct losses or actual and potential losses, so the applicant should not have legal standing to be able to submit an application. Despite the various conflicts that arise from the Constitutional Court Decision Number 90/PUU-XXI/2023, Jimly Asshiddiqie, who is the first chairman of the Constitutional Court, argued that the Constitutional Court's decision regarding the age limit for presidential and vice presidential candidates must be respected because the Constitutional Court judges have gone through the proper process to reach the decision with confidence based on the evidence that has been studied. Constitutional law expert, Margarito Kamis also said that whether you like it or not with the Constitutional Court's decision, if the Constitutional Court has issued a decision, it must be accepted as the applicable law.

This is in line with the Constitution which states that the Constitutional Court's Decision is final and binding. With this elaboration, it is important for the Constitutional Court to assess the legal standing of the applicant to be able to submit an application, especially the assessment of the constitutional losses suffered by the applicant in accordance with the applicable provisions of the Law or Regulations of the Constitutional Court.

CONCLUSION

In the Constitutional Court Decision Number 90/PUU-XXI/2023, the applicant does not meet the requirements for legal standing because it does not show significant constitutional losses, does not have a direct relationship with the substance of the article that is the object of debate, and also does not show the personal interests of the person concerned with the decisions to be taken in the 2024 general election. For this reason, the application should have been rejected by the Constitutional Court. However, the decision has caused various controversies, especially related to the consistency and independence of the high court in Indonesia. This ruling creates an exception in the assessment of legal standing, marks a change in the principle of open legal policy, shows inconsistencies in the case assessment process, and gives the

impression that restrictions on elected officials can be reduced. In addition, inconsistencies in the decision-making process are also visible, given the sharp changes in legal approaches observed in a short period. The alleged conflict of interest, especially in the context of the family relationship between the Chairman of the Constitutional Court and one of the parties involved in this case, further complicates the picture of the integrity of the judicial institution. As such, this decision raises serious doubts about the basic principles of independence, integrity, and justice that should be the main pillars of the justice system.

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646