Abstract

This study examines the independence of Constitutional Court judges in deciding case No. 90/PUU-XXI/2023 concerning the age limit for presidential and vice-presidential candidates. This decision became controversial because the Constitutional Court was deemed to have added a new norm by allowing candidates under 40 years of age to run, provided they had previously held elected office, including for regional heads. This was despite a previous similar petition being rejected on the grounds of an open legal policy. This study aims to analyze the judges' legal reasoning and assess the extent to which the Constitutional Court acted independently and impartially in deciding this case. The method used was normative juridical with a statutory and conceptual approach. The results indicate that the Constitutional Court's decision deviated from the principle of judicial review and veered towards positive legislation, raising allegations of a conflict of interest and a lack of judicial independence. The study concludes that the decision indicates a violation of the independence of constitutional judges, thus setting a negative precedent for constitutional supremacy and the credibility of the Constitutional Court as the guardian of the constitution.

Keywords: *Constitutional Court, judicial independence, presidential and vice-presidential candidate age limit, judicial review.*

Abstrak

Penelitian ini membahas kemandirian hakim Mahkamah Konstitusi dalam memutus perkara Nomor 90/PUU-XXI/2023 mengenai batas usia calon presiden dan wakil presiden. Putusan tersebut menjadi kontroversial karena Mahkamah Konstitusi dianggap telah menambahkan norma baru dengan memperbolehkan calon berusia di bawah 40 tahun asalkan pernah menjabat melalui pemilihan umum, termasuk kepala daerah. Padahal permohonan serupa sebelumnya ditolak dengan alasan open legal policy. Penelitian ini bertujuan untuk menganalisis pertimbangan hukum hakim serta menilai sejauh mana Mahkamah Konstitusi bersikap independen dan imparsial dalam memutus perkara tersebut. Metode yang digunakan adalah yuridis normatif dengan pendekatan perundang-undangan dan konseptual. Hasil penelitian menunjukkan bahwa putusan MK dinilai menyimpang dari prinsip judicial review dan mengarah pada legislasi positif, menimbulkan dugaan konflik kepentingan serta ketidakmandirian hakim. Kesimpulan dari penelitian ini menyatakan bahwa putusan tersebut menunjukkan indikasi terganggunya kemandirian hakim konstitusi, sehingga menimbulkan preseden negatif terhadap supremasi konstitusi dan kredibilitas Mahkamah Konstitusi sebagai penjaga konstitusi.

Kata kunci: Mahkamah Konstitusi, kemandirian hakim, batas usia capres-cawapres, judicial review.

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