

ABTRAK

Pemilihan kepala daerah secara langsung dituangkan dalam Pasal 18 Ayat (4) UUD 1945 yang menginisiasikan pemilihan gubernur, bupati, dan walikota yang dipilih secara demokratis. Pemilihan kepala daerah secara langsung ini diharapkan agar terpilihnya pemimpin yang memiliki kapasitas, kompetensi, dan komitmen yang dikehendaki rakyat. Beberapa catatan atas korelasi kepala daerah yang muda dan/atau yang masih baru pertama menjabat, dengan beberapa catatan kinerjanya, atas alasan tersebut perlu adanya rekonstruksi kembali syarat calon gubernur, wakil gubernur, bupati/walikota, dan wakil bupati/wakil walikota. Atas dasar tersebut, diuraikanlah (1) Bagaimana Pengaturan Batas Usia Pencalonan Sebagai Kepala Daerah Dan/Atau Wakil Kepala Daerah Berdasarkan Peraturan Perundang-Undangan Di Indonesia, (2) Mengapa Terjadi Perubahan Pengaturan Syarat Batas Usia Pencalonan Sebagai Kepala Daerah Dan/Atau Wakil Kepala Daerah. Metode penelitian yang digunakan adalah normatif, dengan pendekatan perundang-undangan dan pendekatan konseptual.

Hasil dari penelitian ini, menunjukkan bahwa pengaturan batas usia pencalonan sebagai kepala daerah dan/atau wakil kepala daerah berdasarkan Undang-Undang No. 10 Tahun 2016 mensyaratkan usia 30 tahun untuk Calon Gubernur dan Wakil Gubernur serta 25 tahun untuk Calon Bupati dan Calon Wakil Bupati serta Calon Walikota dan Calon Wakil Walikota. Kemudian dalam Peraturan Komisi Pemilihan Umum yang rekonstruksinya kepada putusan Mahkamah Agung dengan Putusan Nomor 23 P/HUM/2024 yang putusannya dihitung sejak pelantikan. Kemudian Mahkamah Konstitusi dalam pertimbangan hukumnya, menafsirkan bahwa “Pasal 7 ayat (2) huruf e Undang-Undang Nomor 10 Tahun 2016 normanya jelas harus dipenuhi pada proses pencalonan saat penetapan calon. Kemudian Perubahan pengaturan batas usia pencalonan kepala daerah dan/atau wakil kepala daerah, tidak lepas dari adanya konflik daripada kepentingan pemangku jabatan. Secara konstitusional, perubahan perubahan sebuah norma hukum itu sudah benar, baik perubahan itu dilakukan melalui *judicial review*, *legislatif review* maupun *eksekutif review*.

Kata Kunci: Pemilihan Kepala Daerah, Demokrasi, *Judicial Review*

ABSTRACT

The direct elections of regional leaders are enshrined in Article 18, paragraph (4) of the 1945 Constitution, which initiates the democratic election of governors, regents, and mayors. These direct elections of regional leaders are expected to result in the selection of a leader with the abilities, competencies, and dedication desired by the people. There are some remarks about the correlation between young and/or new regional leaders and their performance, and for this reason, it is necessary to revise the requirements for candidates for governor, vice-governor, regent/mayor, and vice-regent/vice-mayor. Based on that, it is explained (1) how the rules for the age limit of the nomination for head of a region and/or vice-head of a region are established according to the legislation in Indonesia, (2) why there have been changes in the rules concerning the age limit requirements for the nomination for head of a region and/or vice-head of a region. The research method used is normative, with a legal approach and a conceptual approach.

The results of this study indicate that the age limit for nomination as a local official and/or vice-local official according to Law Number 10 of 2016 requires an age of 30 years for the candidate governor and vice-governor, and 25 years for the candidate mayor and candidate vice-mayor, as well as for the candidate alderman and candidate vice-alderman. Subsequently, in the regulations of the Electoral Commission, which have been revised following the judgment of the Supreme Court with case number 23 P/HUM/2024, the ruling is counted from the date of swearing in. The Constitutional Court has interpreted in its considerations that 'Article 7, paragraph (2), letter e of Law Number 10 of 2016 must be strictly adhered to during the nomination process in determining the candidates. Subsequently, the Constitutional Court interpreted in its considerations that "Article 7, paragraph (2), letter e of Law Number 10 of 2016, must be strictly adhered to during the candidate nomination process for the determination of candidates. Furthermore, the amendment of the age limit for the nomination of regional heads and/or their deputies cannot be viewed separately from a conflict of interest of the office holders. Constitutionally, the amendment of a legal norm is already correct, whether the amendment takes place through judicial review, legislative review, or executive review.

Keywords: Mayoral Elections, Democracy, Judicial Review