

THE NATURE OF THE AGE LIMIT SETTINGS FOR PRESIDENTIAL AND VICE-PRESIDENTIAL CANDIDATES IN THE GENERAL ELECTION SYSTEM IN INDONESIA

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Abstract

Philosophically, the Presidential and Vice-Presidential Election is a representative of the sovereignty of the people, in essence, the regulation and implementation must reflect the principles of justice and equality for all groups without discrimination. However, the regulation of restrictions on political rights through the regulation of the age limit for presidential and vice-presidential candidates becomes resistant when juxtaposed with the principles of justice and equality in law. This does not reflect leadership skills in the dimensions of intellectual competence, freedom from ethics and morality, integrity and electability. Regulations regarding the restriction of political rights through the age limit for presidential and vice-presidential candidates that do not pay attention to leadership skills indicate the formation of a political cartel in the Election which then contradicts the principles of democracy. Legal products always end in the judicial process at the Constitutional Court. This raises a legal problem, namely the ambiguity of the norms of Article 6A paragraph 2 of the 1945 Constitution with Article 169 letter q of Law 7 of 2017. As well as a new interpretation of the minimum age limit for presidential and vice-presidential candidates in the Constitutional Court Decision No. 90 / PUU-XXI / 2023. The Constitutional Court's interpretation creates legal uncertainty regarding the practice of open legal policy regarding age restrictions for presidential and vice-presidential candidates, which is the legislative authority. This research is a normative legal research that includes a study of the basic principles contained in Pancasila, the 1945 Constitution of the Republic of Indonesia and other laws and regulations that regulate the age limit for presidential and vice presidential candidates using a philosophical approach, a historical approach, a legislative approach, a conceptual approach, and a comparative approach. The results of this study are (1) the essence of the regulation of the age limit for presidential and vice-presidential candidates is, first, a guarantee of certainty regarding leadership skills that include skills in morality/ethics, intellectual skills, integrity skills, and electability skills. Second, a guarantee of justice that has the dimensions of equal access and opportunity and a balance of maturity and innovation. Third, a guarantee of benefits for the realization of people's sovereignty. (2) The concept of the ideal regulation of the age limit for presidential and vice presidential candidates remains an open legal policy with the provision of 35 years based on the regulation of legal certainty regarding leadership skills that have the dimensions of guaranteeing human rights justice, justice to freedom from ethical and moral violations, intellectual skills, integrity skills, and electability skills.

Keywords: Leadership Skills, Open Legal Policy, Justice and Benefit.

INTRODUCTION

The 1945 Constitution of the Republic of Indonesia affirms that sovereignty is in the hands of the people and is implemented according to the Constitution. It is further explained that the state of Indonesia is a state of law. Thus, the norm can be interpreted that Indonesia adheres to a democratic system based on law (constitutional democratic state) and a democratic state of

law (demokratische rechtsstaat).¹ This means that democracy without legal regulation will lose its form and direction, while law without democracy will lose its meaning. The design of strengthening the democratic system then becomes the basis for those in power to formulate norms in the practice of state administration in Indonesia. Historically, in the Old Order and New Order eras, the state administration practice of Indonesia to elect the President and Vice President was indirectly elected through the Preparatory Institute for Indonesian Independence and in the New Order era it was elected by the People's Consultative Assembly. The experience of the Old Order and New Order then became the basis for reforming the legal awareness of the nation and state by limiting the term of office of the President and Vice President to five years and after that they can be re-elected in the same position for only one term or two terms of office.² The limitation of the term of office of the President and Vice President is actually to minimize matters concerning abuse of power.

Direct Presidential and Vice-Presidential Elections in the reform era were held in 2004, 2009, 2014, 2019, and 2024, which are evolutionary steps to achieve the quality of democracy in Indonesia. Every citizen who has been given the right by law has the right to vote and be elected directly without coercion to participate in determining the direction of future national development.

General Election to elect the President and Vice President democratically through the widest possible participation of the people based on the principles of direct, general, free, secret, honest, and fair as mandated by Article 22E paragraph (1) of the 1945 Constitution. Election as a bridge for the people in determining how and in what way the government can be formed and run democratically. In other words, in essence the Election becomes a transmission belt where the power of the people shifts to the power of the state. In relation to this, the strengthening of the presidential system, as a system of government, is indicated by, among other things, the limitation of the term of office of the President and Vice President and the recruitment process of the President and Vice President through direct elections (fixed and term). This system design is considered the best system for creating a strong and productive government to realize the goals of the constitution, namely creating just people's welfare.

From this philosophical basis, the election of presidential and vice-presidential candidates must be based on leadership skills whose dimensions are intellectual skills, freedom from moral/ethical issues, integrity, and electability. However, in practice, the nomination of presidential and vice-presidential candidates is always based on the level of electability. This occurs due to the superiority of the presidential system which uses a multi-party system.

The regulation regarding the presidential and vice-presidential nomination threshold is considered to deviate from the meaning of Article 6A of the 1945 Constitution of the Republic of Indonesia because it is considered to prevent small political parties from proposing candidates and proposing presidential and vice-presidential candidates is not possible. In 2004, the presidential and vice-presidential nomination threshold was 10 percent. This figure is not the final figure but in Article 9 of Law Number 42 of 2008 concerning the Presidential and Vice-Presidential Elections it increased to 20 percent. Then the 20 percent figure is still implemented in the provisions of Law Number 7 of 2017 concerning General

Elections.³ Explained in Article 222, namely:

Candidate pairs are proposed by political parties or coalitions of political parties participating in the election who fulfill the requirements of obtaining at least 20% (twenty percent) of the total number of seats in the DPR or obtaining 25% (twenty five percent) of valid votes nationally in the previous DPR member election.

The choice of simplifying the effective number of presidential and vice-presidential candidate pairs in a fair election has become an endless debate. This limitation of political rights then becomes the antithesis of the wishes and desires in the original intent of the constitution.³

The issue of the presidential and vice presidential nomination threshold based on the national valid votes for the DPR member elections, which is considered to foster transactional coalition practices in the context of sharing out ministerial positions and fostering the interests of cartel coalitions and policies that tend towards cartel friendly, has not yet been resolved, the Indonesian constitutional practice has again given rise to polemics with provisions on restrictions on political rights through Law Number 7 of 2017 concerning General Elections regarding the age requirements for presidential and vice presidential candidates.

Article 169 letter q of Law Number 7 of 2017 concerning General Elections stipulates that the requirements for presidential and vice-presidential candidates are at least 40 years old. After the Constitutional Court Decision Number 90/PUU-XXI/2023, the meaning of the 40-year age limit remains, unless they have experience serving as a regional head.

In the Constitutional Court's decision regarding the additional provisions on experience in office in the minimum age requirements for presidential and vice presidential candidates, permission was given for individuals who were not yet 40 years old to participate as presidential and vice presidential candidates, with the condition that they had previously served or were currently serving as regional heads.

If viewed historically, the 1945 Constitution before the amendment only regulated the constitutional requirements for becoming President, namely being a native Indonesian.⁴ Before the constitutional amendment, there was no regulation on the minimum age limit for the president. The presidential age requirement was regulated in Article 69 paragraph (3) of the Constitution of the Republic of Indonesia which states that the President must be an Indonesian who is 30 years old. Likewise, Article 45 paragraph (5) of the 1950 UUDS states that "The President and Vice President must be Indonesian citizens who are 30 years old". After the amendment to the 1945 Constitution, the age requirement for Presidential and Vice Presidential Candidates is more flexible, namely its further regulation through Law, in this case Article 6 letter q of Law 23 of 2003 concerning the Presidential and Vice Presidential Elections determines the minimum age requirement of 35 years, as well as Article 5 letter o of Law 42 of 2008 concerning the Presidential and Vice Presidential Elections determines the minimum age requirement of 35 years. Then Article 169 letter q of Law Number 7 of 2017 concerning General Elections determines the minimum age limit requirement of 40 years.⁵

Referring to the historical conditions, it can be said that determining the age limit requirements for the President and Vice President is the realm of the policy of the law makers (open legal policy). Within the limits of reasonable reasoning, every citizen has the right to vote and the right to be elected (right to candidate) in the Presidential and Vice-Presidential General Election. Then what is debated later is the requirement that must, currently or have served as a Regional Head.

Constitutional Court stated that Article 169 letter of Law Number 7 of 2017 concerning General Elections ruled that the article "is contrary to the constitution and has no binding legal force, as long as it is not interpreted as "at least 40 years old or has/is currently holding a position elected through general elections including regional head elections". Positions elected through elections are president, vice president, members of the DPR, DPD, DPRD and regional heads or deputy regional heads at the provincial, district and city levels. The Constitutional Court stated that people who have been or are currently regional heads or who hold public office through elections can be nominated as vice presidential candidates, or even president.⁶

The Constitutional Court Decision Number 90/PUU-XXI/2023 has sparked a variety of responses. A number of constitutional law experts believe that the Constitutional Court should not have granted the petition. They refer to the principle of open legal policy that has been implemented by the Constitutional Court in various previous judicial review cases. The principle of open legal policy was first introduced by the Constitutional Court since its establishment in 2003. Constitutional judges have applied this principle in a number of decisions. If the Constitutional Court ignores this principle in the case of the presidential and vice-presidential candidate age limit, the constitutional judges could be suspected of violating ethics. Feri Amsari, a constitutional law expert at Andalas University, questioned the reasons why the constitutional judges took different considerations from previous decisions. If the judges provide different interpretations, this could be a form of ethical violation. Constitutional judges whose way of thinking about the law changes are judges who violate ethics because changes in interpretation are definitely based on interests.⁷ Bivitri Susanti, a constitutional law expert from the Indonesian Jentera Law College, said that the open legal policy has been used by the Constitutional Court in considering lawsuits against the age limit regulations for officials, starting from constitutional judges, ad-hoc judges, village officials, KPK leaders, and regional heads. In decisions on various cases, the Constitutional Court said that the minimum age limit regulation is a policy. Consequently, regulations regarding the age limit must be made by lawmakers, namely the DPR and the president. Referring to many previous precedents, constitutional judges should consistently use the principle of an open legal policy in cases regarding the age limit for presidential and vice-presidential candidates.

The complex issue of legal politics of elections when the intensity of citizen participation increases and the democracy index increases,⁸ as explained above, makes researchers interested in studying the issue of the dynamics of restrictions on political rights through minimum age requirements for presidential and vice presidential candidates with the hope of contributing to the development of electoral law in Indonesia, and providing legal certainty in accordance with the sociological character of the Indonesian nation.

METHOD

This research is a normative legal research that includes a study of the basic principles contained in Pancasila, the 1945 Constitution of the Republic of Indonesia and other laws and regulations concerning the regulation of the age limit for presidential and vice presidential candidates using a philosophical approach, a historical approach, a legislative approach, a conceptual approach. The types of legal materials used in this study are primary, secondary and tertiary legal materials. Then the technique of collecting legal materials is carried out by means of a literature study and analysis of legal materials arranged systematically and logically, then analyzed qualitatively by interpreting the legal materials that have been processed, then deductive conclusions are drawn through general legal interpretations and then specific provisions are drawn, as the final result of this research.

RESULTS AND DISCUSSION

A) The Nature of the Age Limit Regulation for Presidential and Vice-Presidential Candidates in the Election System in Indonesia

Legal certainty regarding the age limit for presidential and vice-presidential candidates has a much broader impact than simply fulfilling administrative requirements. It contributes directly to the integrity and quality of elections by ensuring that candidates running in general elections have met the relevant qualification standards. Clear and consistent minimum age provisions help prevent the emergence of candidates who are not emotionally and intellectually ready to face the challenges of leadership, while strengthening public confidence in the electoral process. With this legal certainty, the electoral process becomes more transparent and measurable, which in turn increases the legitimacy of elected leaders and supports government stability.

1) Guarantee of Legal Certainty for Leadership Capabilities

Legal certainty regarding leadership competence refers to the fulfillment of legal requirements that establish the criteria for proper and effective leadership in government systems and organizations. Leadership competence is the ability to lead in a manner that is in accordance with legal and ethical principles, and meets the standards set to carry out leadership functions efficiently and fairly. In this context, legal certainty plays an important role in determining whether individuals holding leadership positions have the competence and integrity necessary to lead effectively.⁹

The 1945 Constitution of the Republic of Indonesia provides a legal framework that establishes leadership criteria in various state institutions, including the president and vice president, as well as other high-ranking officials. These criteria include requirements for age, experience, and a track record that demonstrates leadership skills. This legal certainty is important to ensure that individuals holding leadership positions not only meet formal requirements but also have the appropriate abilities and competencies to carry out their roles well.¹⁰

Leadership skills must also be considered in the context of compliance with applicable legal and ethical norms. For example, leaders must be able to make balanced and fair decisions, and comply with the principles of transparency and accountability. Legal certainty related to leadership skills includes regulations that ensure that leaders do not engage in practices that are detrimental to society or violate the law. This is important to maintain public trust and ensure that decisions taken in a leadership capacity are fair and oriented towards the public interest.¹¹

Furthermore, legal certainty regarding leadership competence involves periodic assessment and evaluation of the leader's performance. This evaluation is important to ensure that the leader continues to meet the established leadership standards throughout his/her term of office. The legal system includes mechanisms to assess and monitor the performance of the leader, and to take corrective action if necessary. This ensures that the leader continues to perform well and is responsible in carrying out their duties in accordance with the law and ethical principles.¹²

Overall, legal certainty regarding leadership competency serves to ensure that leadership positions are filled by individuals who meet the legal requirements and have the necessary skills to lead effectively. These legal criteria include formal requirements, compliance with ethical norms, and ongoing evaluation mechanisms.

With legal certainty in determining leadership competency, government systems and organizations can operate more effectively and efficiently. Legal certainty provides a clear and structured framework for leadership criteria, ensuring that individuals holding important positions have the qualifications and competencies necessary to carry out their responsibilities. This reduces the risk of decisions that are inconsistent with legal and ethical principles, and improves the quality of decision-making in government and organizations. Legal certainty also encourages the application of consistent standards in the process of selecting and evaluating leaders, thereby minimizing uncertainty and potential conflicts of interest that can affect the performance and integrity of leaders.

Legal certainty plays a vital role in maintaining public trust in government institutions and organizations. When the leadership process is carried out with transparency and accountability, and follows strict legal guidelines, the public is more likely to believe that the decisions made are fair and oriented towards the public interest. This public trust is essential for social and political stability, as well as for encouraging active public participation in the governance process and organizational activities. By ensuring that leaders meet legally established standards of competence, government systems and organizations can operate better, make fairer decisions, and maintain public trust and support.

Legal certainty regarding leadership skills and the regulation of minimum age limits for presidential and vice-presidential candidates are interrelated in ensuring that individuals holding the highest leadership positions in the country have adequate qualifications. Legal certainty in this case includes establishing clear criteria for assessing a person's leadership skills, which involve not only knowledge and experience but also age as an indicator of maturity and readiness. Regulation of minimum age limits is one form of legal certainty that

serves to establish basic standards so that prospective leaders have sufficient life experience and maturity to carry out their duties effectively and wisely.

This minimum age limit criterion does not only refer to age as a number but also to the experience and maturity that prospective leaders should have. According to the law, the minimum age set aims to ensure that presidential and vice-presidential candidates have gained sufficient experience in various aspects of government and leadership before holding the position. This is in line with the concept of leadership skills that require leaders to have the ability to make fair, strategic, and public interest-oriented decisions. With the minimum age limit, it is expected that prospective leaders already have the maturity and knowledge needed to meet the established skill standards.

The minimum age limit setting also ensures that prospective leaders not only meet formal requirements but also have the capacity in accordance with legal and ethical requirements to lead. This is in line with the principles of legal certainty that emphasize the importance of qualifications and integrity in leadership. When presidential or vice-presidential candidates meet the minimum age limit set, they are expected to have sufficient experience and insight to carry out their duties competently and in accordance with the law.

In essence, the relationship between legal certainty regarding leadership skills and the regulation of minimum age limits for presidential and vice-presidential candidates shows the legal system's efforts to ensure that individuals in leadership positions meet high standards in terms of experience, knowledge, and maturity. With a legally stipulated minimum age limit, it is hoped that prospective leaders can meet the criteria for skills needed to carry out their roles effectively and responsibly.¹³

Based on the above description, it can be concluded that legal certainty regarding leadership skills and the regulation of the minimum age limit for presidential and vice presidential candidates have a close relationship in maintaining the integrity and effectiveness of leadership. Legal certainty ensures that all prospective leaders meet the required competency standards, including the minimum age as an indicator of maturity and experience. By setting a minimum age limit, the legal system aims to ensure that presidential and vice presidential candidates have gained sufficient life and professional experience to carry out their responsibilities effectively and fairly.¹⁴

This minimum age criterion not only serves as a formal requirement, but also as part of an effort to ensure that prospective leaders have sufficient skills to make strategic and balanced decisions. This reflects the legal system's commitment to selecting individuals who not only meet legal criteria but also have the capacity to lead wisely. The leadership skills required include knowledge, experience, and high integrity, all of which can be ensured through the application of a predetermined minimum age limit.²

Philosophical Aspects of Leadership Skills

In the philosophical dimension, the age limit of presidential and vice presidential candidates is a factor that represents emotional, intellectual, and moral maturity. Classical political

philosophers such as Aristotle and Plato emphasized the importance of experience and wisdom in leadership. Aristotle, in *Politics* explains as follows:

“Hence it is evident that the state is a creation of nature, and that man is by nature a political animal... He who is unable to live in society, or who has no need because he is sufficient for himself, must either be a beast or a god: he is no part of a state. A social instinct is implanted in all men by nature, and yet he who first founded the state was the greatest of benefactors. For man, when perfected, is the best of animals, but, when separated from law and justice, he is the worst of all.”¹⁵

The ideal leader must have mature moral and intellectual qualities, developed through long life experiences. For Aristotle, morality and intellectuality are not innate qualities, but qualities that must be developed through education and practical experience. According to him, “Practical wisdom is not concerned with universals only; it must also recognize particulars, because it is concerned with action, and action is about particulars.”¹⁶ A leader must have *phronesis* or practical wisdom, which can only be acquired through years of active involvement in public and social life. Long experience provides the opportunity to form good character, correct mistakes, and learn from complex social interactions, which in turn makes the leader able to make wise decisions for the common good. Thus, age and experience are two important aspects that determine the moral quality of an ideal leader.

In addition, Aristotle also argued that a morally and intellectually mature leader would be better able to maintain a balance between individual needs and the public interest. This moral maturity, gained through life experience, allows a leader to think not only about short-term interests or personal gain, but also to consider the interests of society as a whole. Aristotle further explained:

“Now the virtue of justice is a state of character which makes people disposed to do what is just and makes them act justly and wish for what is just. This implies that justice, in this sense, is a complete virtue because it is the exercise of complete virtue in relation to others. Therefore, justice is often considered the highest of all virtues, and neither evening nor morning star is so wonderful.”¹⁷

Moral virtue (*arete*) in leadership is rooted in one's capacity to act justly and contribute to the common good (*eudaimonia*).¹⁸ Therefore, for Aristotle, the minimum age limit for leadership can be seen as an attempt to ensure that potential leaders have attained the moral and intellectual maturity necessary to uphold justice and public welfare.

Long life experience, according to Aristotle, not only shapes moral abilities, but also provides a deeper understanding of the complexities of the world and human beings.

*“Practical wisdom is concerned with action, and action is about particulars. Hence a man who is to be practically wise must know both the universal and the particular, and he must know the particular through experience, for action deals with particular things, and experience is the knowledge of particulars.”*¹⁹ Experienced leaders have a broader and deeper perspective in dealing with political challenges and dilemmas. Aristotle believed that

*practical wisdom cannot be obtained only from theoretical knowledge, but must be forged through direct experience in managing real problems.*²⁰ This intellectual maturity enables leaders to think more holistically and consider conflicting aspects in decision-making, resulting in more balanced and fair policies.

On the other hand, experience and age do not always guarantee wisdom or integrity. However, in the context of leadership, long experience provides a greater opportunity for individuals to develop moral virtues and practical wisdom. Therefore, according to Aristotle, the minimum age limit for prospective leaders is not discrimination, but rather a way to ensure that the candidate has had enough time to form a good character and adequate intellectual competence to lead a country.²¹ Thus, Aristotle's theory of moral and intellectual maturity provides a strong philosophical basis for limiting the minimum age of presidential and vice presidential candidates.

Plato in the Republic introduced the concept of the philosopher-king, who argued that the ideal leader should have a deep insight into justice and truth. This could only be achieved through long education and deep reflection. Leadership, Plato argued, should not be held by those who merely have political power, but by individuals who have developed a deep knowledge of what is good for society. Plato put it this way:

*"Unless, said I, either philosophers became kings in our states or those whom we now call kings and rulers take to the pursuit of philosophy seriously and profoundly, and there is a conjunction of these two things, political power and philosophy, while the natures who at present pursue either to the exclusion of the other are forcibly debarred, there can be no cessation of troubles, dear Glaucon, for our states, nor, I fancy, for the human race either".*²²

Age limit, in this case, is not only considered as a number, but as a symbol of a person's moral and psychological readiness to shoulder the great responsibility as a leader of the country. Various modern studies in political philosophy emphasize the importance of the philosopher-king in describing the importance of age as an indicator of maturity in philosophical thinking and practical wisdom.²³

Furthermore, the educational process to become a philosopher-king according to Plato is very long and full of challenges. Plato further argues that,

*The power and capacity of learning exists in the soul already; and just as the eye was unable to turn from darkness to light without the whole body, so too when the instrument of knowledge, the entire soul, is turned round from the world of becoming into that of being, the soul can endure to contemplate the being and the brightest part of being—that is, the good.*²⁴

This education included intensive study in mathematics, dialectics, and philosophical reflection, which took many years to complete. The older age, therefore, reflects the long process of intellectual and moral formation necessary to rule wisely. Klosko outlines that the education of the philosopher-king is explained as a systematic effort to ensure that the leader has a deep insight into the concept of justice that is not only theoretical but also practical.²⁵ This

education emphasizes that age is a symbol that prospective leaders have undergone a sufficient learning process to have the intellectual and moral skills needed to uphold justice.

In addition, Plato asserts that a philosopher-king must understand the idea of the highest good, which can only be achieved through long life experience and constant reflection. In this regard, age becomes an important indicator that an individual has gained enough life experience to understand what is truly good for the state. Roochnik underlines the importance of age in the framework of Plato's philosophy of leadership, where older age is associated not only with experience but also with a deeper understanding of goodness and justice.²⁶ Thus, the age limit in Plato's philosopher-king concept is not only about biological readiness, but also intellectual and moral readiness to lead the country wisely.

The philosopher-king must also have high moral integrity, so that he is not easily tempted by power or personal ambition. Age in this case is seen as a guarantee that the future leader has developed a mature and stable character. Annas' study highlights the importance of moral maturity gained through experience and long reflection, which Plato said could only be achieved at a certain age.²⁷ Therefore, the age limit in the view of the philosopher-king not only serves as an indicator of experience, but also as a symbol of the moral maturity required to carry out the great responsibility of being a leader of the state.

Leadership philosophy suggests that greater age is often associated with an increased ability to judge wisely, understand the complexity of problems, and make decisions that favor justice and the common good. While old age does not necessarily guarantee wisdom, many philosophical views see life experience as a source of practical wisdom (phronesis), which is essential for a leader.

In the context of leadership philosophy, older age is often seen as an important factor in the maturity of a leader's judgment. Long life experiences provide individuals with the opportunity to face complex situations, thus strengthening their ability to navigate difficult issues. Aristotle, in the *Nicomachean Ethics*, emphasized the importance of phronesis or practical wisdom, which he argued could only be acquired through long experience and reflection on moral actions. Aristotle believed that practical wisdom was not merely theoretical knowledge, but the ability to act correctly in situations that required deep moral consideration.²⁸

Furthermore, contemporary philosophers also emphasize the importance of experience as a source of wisdom in the context of leadership. According to Robinson:

"Older individuals, by virtue of their long exposure to the complexities of life, often develop a capacity to discern patterns in social and political issues that younger people might miss. This ability to see beyond immediate concerns and short-term desires, and to weigh the broader implications of a decision, is one of the key qualities that experience imparts to a leader."²⁹

Older age is often associated with the ability to recognize complex patterns in social and political issues, allowing leaders to make wiser and more just decisions. Life experience gives individuals a broader perspective, making them better able to consider multiple aspects of an

issue, rather than acting hastily based on emotion or short-term desires.³⁰In a political context, this becomes especially important when the decisions taken affect the welfare of the wider community.

However, although maturity is often associated with wisdom, old age is no absolute guarantee that someone has the ability to lead wisely. As Baltes and Staudinger state:

“Wisdom involves not only a deep understanding of life, but also an openness to new experiences, a capacity for critical reflection, and intellectual abilities that allow individuals to balance different interests and values. These components are essential for making decisions that are both just and integrative.”³¹

In the sense that wisdom also requires a combination of openness to new experiences, the ability to reflect critically, and the intellectual ability to balance various interests. In this context, the age limit as a qualification for prospective leaders is not only a marker of biological age, but also reflects the process of mental and moral development needed to lead with integrity and justice.

This philosophy implies that older age may increase the chances for someone to have these qualities, but does not automatically guarantee it.

Therefore, the concept of age limit in the context of political leadership must be understood as more than just a number. Age serves as an indicator that a potential leader has gone through enough life experiences, which may have enriched their understanding of the complexity of human and societal problems. As explained by Sternberg as follows:

*“Political wisdom involves not just theoretical knowledge but also the ability to apply ethical insights in ambiguous and uncertain situations. It is through experience that individuals develop the capacity to navigate complex political landscapes and make decisions that are fair and just.”*³²

Political wisdom requires experience and the ability to apply ethical insights in uncertain situations.³³Longer life experience, as measured by age, may provide individuals with greater opportunities to develop these skills, making age limits one way to ensure a leader's moral and intellectual readiness.

Experience not only shapes one's understanding of the world, but also develops empathy, crisis management skills, and sensitivity to moral issues, which are essential in the position of president or vice president. Long life experiences not only help one understand the world more deeply, but also shape qualities such as empathy and sensitivity to moral issues. In the context of political leadership, empathy becomes an important ability because a leader must be able to feel and understand the needs and aspirations of his people.

According to Batson et al., empathy allows leaders to make fairer decisions, because they consider not only rational factors, but also the emotional and social impacts of their policies.³⁴Therefore, longer life experiences often provide leaders with richer perspectives and sensitivity to the many complex dimensions of humanity.

2) Guarantee of Fair Leadership in the Age Limit Regulation for Presidential and Vice Presidential Candidates

a) Equality of Access and Opportunity

Setting a minimum age limit for candidates for leadership is an important element in political and governmental systems. Minimum age limits are designed to ensure that individuals running for office have sufficient maturity, experience, and understanding of the responsibilities of leadership. For example, many countries set a minimum age for certain political positions in an effort to avoid candidates who may not be mentally or emotionally ready. However, these regulations can also have an impact on equal access and opportunity for younger individuals, especially in the context of increasingly rapid and changing political dynamics.³⁵

One of the negative impacts of the minimum age limit is the potential limitation of young leaders who have talent and skills but do not meet the age requirements. In the digital and globalized era, young leaders often bring innovative perspectives and fresh understandings of contemporary issues.³⁶ However, strict age limit policies can prevent them from being involved in key positions, ultimately reducing diversity in leadership and slowing down the renewal of ideas that are important for the progress of society.

On the other hand, according to Agee and Evans, "In this context, setting age limits can help maintain the quality of leadership and prevent potential risks faced by individuals with less experience".³⁷ *Minimum age limits can serve as a safeguard to ensure that potential leaders have sufficient experience. This experience is often considered essential for managing complex responsibilities and making balanced decisions. In this context, setting an age limit can help maintain leadership quality and prevent potential risks faced by less experienced individuals.*³⁸ However, it is important to note that experience does not always equate to age, and many younger individuals have equal or even better leadership capacities.

More flexible approaches, such as leadership training and competency-based assessments, may be an alternative to ensure that aspiring leaders not only meet age requirements but also have the qualities needed to lead. These policies should be designed to balance the need for experience and opportunities for young people to make significant contributions to leadership, while ensuring that leadership qualities are maintained.

Minimum age limits in the electoral process are generally designed to ensure that prospective leaders have a level of maturity and experience that is considered adequate. However, the application of these age limits can affect the opportunities for individuals from various backgrounds to participate in the political process. On the one hand, strict age limits can filter out candidates who do not have sufficient life experience, but on the other hand, they can limit access for individuals who may not meet the age requirements but have great leadership potential.³⁹

The application of minimum age limits often takes into account the balance between maturity and experience, but this does not always reflect the needs or potential of candidates from different backgrounds. For example, individuals from disadvantaged social or economic

backgrounds may face additional challenges in gaining the experience necessary to meet the age limit. This can result in inequalities of opportunity, where candidates from disadvantaged backgrounds face greater barriers to meeting the minimum age criteria, even though they may have high leadership qualities.⁴⁰

On the other hand, minimum age limits can also help to minimize the risk of candidates being unprepared for greater responsibility. Research shows that experience and maturity often correlate with age, and setting an age limit can serve as a protective mechanism to ensure that potential leaders have the ability to make complex and balanced decisions.³ However, this must be balanced with policies that support leadership training and development that can help young individuals prepare for future leadership roles.

Minimum age limits in the selection process are often set to ensure that potential leaders have the maturity and experience necessary to carry out the responsibilities. However, this setting has complex implications for candidates who may have strong leadership potential but have not reached the required age.

On the one hand, minimum age limits can protect the integrity of the electoral process by ensuring that all candidates have sufficient maturity and experience. Age is often considered an indicator of the life experience needed to handle the complex responsibilities and decisions of a leadership role. Thus, minimum age limits can help avoid potential risks that may arise from immature or inexperienced candidates. Research shows that the experience gained with age can provide a better understanding of social and political dynamics, which is essential for effective decision-making.

However, minimum age limits can also limit opportunities for younger individuals who have strong leadership potential. In many cases, young individuals can demonstrate outstanding leadership qualities even though they have not reached the age limit. They may have relevant skills, knowledge, and experience that are not necessarily measured by their age. Strict age-limit policies can hinder the advancement of those who have demonstrated exceptional potential and led significant initiatives in their communities or sectors.

Additionally, overly rigid minimum age limits can widen the generational gap in leadership. In today's fast-paced technological and social change, younger individuals often have better perspectives and understanding of contemporary issues. Policies that limit their participation can stifle the renewal of ideas and innovations that can have a positive impact on society. Research shows that diversity in leadership, including age variation, can improve organizational effectiveness and decision-making processes.

Setting a minimum age limit in general elections has a significant impact on the principle of social justice, which focuses on the equal distribution of opportunities and rights for all individuals. Setting a minimum age limit can be seen as a measure to promote social justice by ensuring that prospective leaders have sufficient maturity and experience. This aims to avoid the possibility of candidates who are not ready to face the responsibilities of leadership, which in turn can reduce the risk of unwise or detrimental decisions for society. In this context, a minimum age limit helps maintain the standard of leadership quality and protects the integrity

of the electoral process.⁴¹ Thus, this arrangement contributes to social justice by ensuring that potential leaders have the capacity to fulfill their responsibilities effectively.

However, minimum age limits can also hinder social justice by limiting opportunities for younger candidates with strong leadership potential. Young individuals often have innovative perspectives and skills relevant to contemporary issues, even if they do not meet the age requirements. This policy can result in injustice to those who have valuable skills and experience but are unable to participate in the electoral process due to rigid age limits.⁴² In this way, minimum age limits can hinder inclusion and diversity in leadership, which is essential for representing different groups in society.

In terms of social justice, the opportunity to participate in elections is a key aspect. Setting the age limit too high can reduce the opportunities for certain demographic groups, such as young people, to participate in the political process. This not only reduces the representation of young people but also hampers the potential for renewal and innovation in policy.⁴³ Social justice demands that all individuals, regardless of age, have equal opportunities to participate and contribute to decision-making that affects society.

Based on the above description, it can be concluded that the minimum age limit in general elections plays an important role in determining who can run for office and participate in the leadership process. This regulation aims to ensure that candidates have a level of maturity and experience that is considered adequate to handle complex responsibilities. By setting an age limit, the political system seeks to protect the quality of leadership and prevent candidates who may not be mentally or emotionally ready. However, in practice, the minimum age limit can affect equality of access and opportunity, especially for young candidates who may not meet the age requirements but have significant leadership potential.

One of the negative impacts of setting a minimum age limit is that it limits potential young leaders who have not yet reached the required age. In today's rapidly evolving modern era, young individuals often bring innovative perspectives and fresh insights into contemporary issues. A strict age limit policy can prevent them from being involved in key positions, thereby reducing diversity in leadership and slowing the advancement of ideas that are important to society. This has the potential to create inequities, where individuals with great skills and potential are hampered by an age limit that does not always reflect their abilities.

In the context of social justice, setting an age limit that is too rigid can reduce the opportunities for young people to participate in elections. This not only impacts the representation of young people but also the potential for renewal and innovation in policy. Social justice demands that all individuals, regardless of age, have an equal opportunity to participate and contribute to decision-making that affects society. Therefore, minimum age policies should be designed by considering the balance between the need for experience and equal opportunity for all candidates, and supporting approaches that allow for competency-based evaluation and leadership training.

b) Balance between Maturity and Innovation

Setting a minimum age limit that is too high in elections can deter candidates with innovative ideas and fresh perspectives that may be needed in the modern era. In the context of a rapidly changing world, especially in the era of digitalization and globalization, diversity of perspectives is key to responding effectively to contemporary issues. Younger individuals often bring new insights and creativity that can help solve problems with fresher and more innovative approaches. However, if the minimum age limit is too high, the opportunities for young candidates with high potential to participate in key leadership positions may be limited, thereby reducing the possibility of implementing innovative ideas in the political decision-making process.⁴⁴

On the other hand, too low an age limit may pose a risk of lacking the experience needed to handle complex leadership responsibilities. Life and professional experience are often considered important in making wise and balanced decisions, especially in leadership positions involving resource management and public policy. Candidates who are too young may not have sufficient experience to understand complex social, political, and economic dynamics, which could result in inappropriate or ineffective decisions. Thus, age limits should consider the need for sufficient experience while still providing opportunities for individuals with leadership potential.⁴⁵

In addition, strict age limits can hamper efforts to create inclusive and representative leadership. In many cases, the ability to face new challenges and adapt to rapid change is a critical factor in effective leadership. If the age limit is too high, the selection system may miss the opportunity to tap into the skills and perspectives of younger generations that are highly relevant to the latest developments in technology and society. Conversely, too low an age limit may produce candidates who are emotionally immature or lack the necessary managerial skills.⁴⁶ Finding the right balance between maturity and innovative capabilities is key to ensuring effective and relevant leadership in the modern era.

The age regulation for presidential and vice-presidential candidates in Indonesia is regulated in Law Number 7 of 2017 concerning General Elections, which sets the minimum age limit at 40 years. This policy is designed to ensure that candidates have sufficient maturity and experience to carry out complex leadership responsibilities at the executive level of the country. This age was chosen considering that individuals who have reached this age have generally accumulated sufficient life and professional experience, which is important in facing the challenges of leadership at the highest level.⁴⁷

However, this age limit also has the potential to limit the space for younger candidates who may have innovative ideas and fresh perspectives that are relevant to the dynamics of modern times. In an era of globalization and rapid technological change, younger leaders often have a better understanding of contemporary issues and the ability to respond quickly to changes. Thus, the minimum age limit of 40 years may prevent younger candidates with great leadership potential from being involved in the presidential or vice-presidential positions, which in turn may reduce the diversity of perspectives in national leadership.

In addition, while these age limits are intended to ensure maturity, experience does not always equate to age. Many younger individuals have equal or even greater experience and capacity to lead and manage major responsibilities. Therefore, setting these age limits needs to be considered in conjunction with competency-based evaluation mechanisms that can identify candidates based on their leadership qualities, not just their age. Such an approach can help ensure that candidates with innovative ideas and good managerial skills are not hindered by age limits that may not fully reflect their readiness to lead.

3) Guarantee of Benefit Value for the Regulation of Age Limits for Presidential and Vice-Presidential Candidates

The age limit for presidential and vice-presidential candidates in Indonesia is an important aspect in ensuring the quality of national leadership. In this context, the minimum age stipulated in the relevant laws and regulations has the aim of providing legal certainty that prospective national leaders are sufficiently mature both emotionally, intellectually, and in terms of life experience to lead a complex and diverse country. This age limit serves as a marker that a person has had sufficient experience in life, allowing them to make wise decisions in dealing with national problems. As explained by Dahl, a democratic system requires leaders who have a sufficient level of maturity to respond to diverse social and political demands, and are able to manage public interests wisely.⁴⁸

This age limit is also inseparable from the influence of the development of leadership theory that emphasizes the importance of life experience in shaping a leader. In transformational leadership theory, for example, leaders are expected to be able to provide inspiration and motivation for society, by relying on experiences gained from life's journey and extensive social interactions. For example, Burns explains that effective leadership comes from a deep understanding of social and economic dynamics, as well as the ability to respond to the needs of society. Thus, life experience gained through the process of maturity is very important to ensure that a presidential or vice-presidential candidate can make decisions that are not only intelligent, but also in accordance with the values of humanity and justice.⁴⁹

In relation to Indonesian politics, this minimum age requirement is also important to avoid the emergence of leaders who are inexperienced in facing complex political challenges. Decisions taken by the President and Vice President not only affect domestic policies, but also have an impact on international relations and the country's economic stability. Therefore, the age limit for prospective leaders regulated in the law aims to create a balance between the spirit of renewal and the need for mature experience. For example, the theory of political decision-making by Lipset and Rokkan emphasizes that sufficient political experience is a crucial element in understanding and managing the various complexities that exist in the country.⁵⁰

Furthermore, the setting of this age limit is related to psychological factors that underlie an individual's ability to make strategic decisions. From a developmental psychology perspective, age is often seen as a factor that influences how individuals manage stress, adapt to change, and process information more maturely. Erikson in his theory of psychosocial development stages states that adulthood, which is achieved after going through several stages of life

development, brings a person to a stage of maturity that allows individuals to face leadership roles more responsibly. Therefore, the setting of age limits for presidential and vice-presidential candidates is based on the view that they must be able to manage great responsibilities with mature consideration, which can only be achieved through sufficient life experience.⁵¹

Setting the age limit for presidential and vice-presidential candidates is not only a matter of fulfilling administrative requirements, but also relates to a deeper understanding of maturity, life experience, and mental readiness to face the country's complex challenges. Leadership theory, political decision-making, and developmental psychology all suggest that ideal leaders should be of sufficient age and experience to be able to carry out their roles wisely and effectively. This age regulation is an important foundation in maintaining the quality of democracy in Indonesia, ensuring that elected leaders can lead responsibly and are able to face the various challenges that exist.

The age limit for presidential and vice-presidential candidates regulated by law also has a broader purpose than simply ensuring the experience or maturity of prospective leaders. One of the goals is to create fair opportunities for all citizens to participate in political contestation. In a democratic system, it is important to ensure that no age group or individual is marginalized simply because of irrational limitations. Setting a clear age limit allows every citizen who meets the criteria to have an equal opportunity to run for the country's leader. This also reflects the basic principles of democracy, namely inclusive political participation and fair access for all citizens, without discrimination.

The importance of age regulation in providing equal opportunities is also based on the principle of equal rights that is upheld in every democratic system. As explained by Tilly in his theory of democracy, a country must ensure that every individual has the same right to participate in the political process, including in the election of prospective leaders. With a clear age limit, prospective leaders are not only selected through popularity or closeness to certain political forces, but through established procedures, which provide opportunities for anyone who meets the requirements to participate in the contest.⁵²

Age regulation is also important in ensuring that the entire process of selecting prospective leaders can run more transparently and in a structured manner. With clear provisions regarding the minimum and maximum age of candidates, there will be no doubt or different interpretations from the various parties involved in the election. The process of selecting prospective leaders becomes more organized, and reduces the potential for manipulation or arbitrariness that can harm qualified candidates who do not meet the age requirements. As stated by Schumpeter in his theory of democracy, the process of selecting leaders must be carried out with a clear and fair mechanism, where each individual has the opportunity to compete based on objective criteria.⁵³

With the existence of a clear age limit regulation, the leader selection process becomes more measurable and reduces subjectivity in the selection. This ensures that the candidates selected do not only come from certain circles, but include individuals with diverse backgrounds. This is in line with the idea of inclusive political participation, where every citizen has the

opportunity to influence political decisions in their country. Thus, the age limit not only functions as a selection tool, but also as an instrument to ensure that the entire election process can take place fairly and equally.

The age limit for presidential and vice-presidential candidates serves to maintain integrity and fairness in the electoral system. It creates a clear structure, where every qualified individual has an equal opportunity to run, thus avoiding discrimination or exclusion of certain groups. Thus, this age limit plays an important role in strengthening the democratic system and keeping the political process inclusive and accessible to all qualified citizens.

The importance of setting this age limit is also related to the strategic role played by the President and Vice President in running the government. As head of state and head of government, the President and Vice President have a great responsibility in designing policies that are not only effective but also acceptable to various elements of society. For example, in the context of Indonesia, policies taken by the President and Vice President must be able to answer the needs of national development, overcome poverty problems, and create sustainable political and economic stability. For this reason, the life experience of prospective leaders is important because it will provide a strong basis for making the right decisions and formulating policies that are not only responsive but also long-term.

According to Burns' transformational leadership theory, an effective leader must have the ability to inspire and motivate his people through the vision and policies produced. This vision, according to the theory, can only be realized through sufficient life experience in dealing with various problems, both at the social, economic, and political levels. Without sufficient experience, a prospective leader may not be able to build strong relationships with various stakeholders, or even be unable to properly assess the impact of the policies taken. Therefore, setting an adequate age limit for presidential and vice-presidential candidates will ensure that they have sufficient experience to design and implement effective policies.⁵⁴

The management of various state institutions is also a crucial aspect of the duties of the President and Vice President. The state has various institutions that must be managed well, ranging from ministries to independent institutions, such as the Corruption Eradication Commission (KPK). Each of these institutions has a different function, but all must work in an integrated manner to achieve the country's goals. Experience in leading large organizations or in interacting with various parties in the public and private sectors will greatly assist a leader in managing the state bureaucracy efficiently. As explained by Mintzberg in his theory of managerial roles, leaders need to have a broad understanding and ability to manage many different aspects of government, which can only be obtained through long experience.⁵⁵

In addition, the role of the President and Vice President also includes interaction with other people and countries. In an increasingly connected world, it is important for leaders to have reliable diplomatic skills in maintaining international relations, negotiating trade agreements, and participating in international organizations. Leaders who do not have sufficient life experience may have difficulty dealing with complex global dynamics. The theory of diplomacy put forward by Kegley and Wittkopf explains that a state leader must be able to

navigate cultural, economic, and political differences between countries. Experience in interacting with various cultures and countries, both in a diplomatic context and in economic cooperation, is crucial to building productive and mutually beneficial relationships at the international level.⁵⁶

Furthermore, sufficient life experience will help the President and Vice President in dealing with crises that often come unexpectedly. Political, economic, or natural disaster crises that hit a country require mental toughness and the ability to make quick and accurate decisions. In this case, the crisis theory developed by Boin, Hart, and McConnell shows that experienced leaders are better able to respond to crisis situations with the right strategy. Previous experience in managing major problems or in dealing with them in a leadership capacity will make it easier for leaders to formulate policies or actions that can solve problems effectively. On the other hand, a young leader without experience may be trapped in his own confusion when facing a crisis situation that requires quick and accurate decisions.⁵⁷

The age limit setting for presidential and vice-presidential candidates is closely related to the life experience requirements needed to run an effective and wise government. Leaders who have sufficient experience in life will have the ability to design comprehensive policies, manage state institutions efficiently, and interact with various parties diplomatically. Readiness to face international crises and challenges that can affect the stability of the country. Therefore, this age setting is not just a formality, but a strategic step in creating leadership that is able to lead the country towards progress and stability.

The provisions on age limits also serve to balance diversity in leadership. The country needs leaders who are not only experienced, but also have the ability to adapt to rapid developments. In this case, the age limit regulation provides space for prospective leaders to demonstrate their ability to manage the country according to current needs and dynamics. Experience gained with age is one of the determining factors in the desired leadership quality.

On the other hand, this age limit setting is also related to the formation of a mature leader character with high integrity. A more mature age is often associated with maturity in acting, the ability to control emotions, and wisdom in making big decisions that can affect many people. Therefore, the minimum age of a prospective leader is not just a number, but an indicator of readiness to shoulder the great responsibility of leading the country.

The age limit for presidential and vice-presidential candidates stipulated in the law is also part of an effort to maintain continuity of government. In this case, older prospective leaders are expected to have broader insight into the country's history, political dynamics, and prevailing socio-economic conditions. This provides assurance that prospective leaders do not only rely on idealism alone, but also combine it with practical experience in dealing with various situations.

With the regulation of age limits, the democratic process can run in a more structured and directed manner. Elections become more open and provide opportunities for those who meet the requirements to compete, thus producing leaders who are able to carry out the people's mandate. Therefore, this regulation is not only an administrative requirement, but also has a

vital role in realizing an effective, efficient, and sustainable government.

The beneficial values of setting age limits for presidential and vice-presidential candidates include the following:

a) Maintaining a Balance between Experience and Innovation

Setting the age limit for presidential and vice-presidential candidates plays an important role in maintaining a balance between the experience needed to lead the country and the innovation needed to face the challenges of the times. In the context of leadership, experience is a key factor that enables a leader to manage complex political, economic, and social dynamics. However, in a world that continues to change rapidly, especially with the development of technology and globalization, leaders must also be able to bring about innovations that are in accordance with the needs of society. Therefore, setting the right age limit can help ensure that prospective leaders have sufficient experience, but are also open to new ideas that are relevant to current developments.

According to Burns' transformational leadership theory, effective leaders not only rely on their experience, but are also able to inspire change with an innovative and future-oriented vision. Transformational leaders can motivate and stimulate change in a way that creates positive development for society.⁵⁸ Age limit regulation provides an opportunity for prospective leaders who already have experience in government to develop policies that are not only based on past experience, but also able to adapt to the needs of the ever-evolving community. Thus, age limits allow for the integration of experience and innovation in leadership.

The age limit set by the law also provides an opportunity for more mature prospective leaders to combine the wisdom gained from experience with new perspectives that emerge from innovative thinking. A leader who has enough time in government or life experience outside of politics is generally more able to see problems more objectively and is more oriented towards long-term solutions. This is in accordance with the thinking of James MacGregor Burns who stated that transformational leadership is a process that connects personal experience with a progressive vision of the future, thus producing policies that are not only solution-oriented but also long-term.⁵⁹

On the other hand, the innovation theory proposed by Schumpeter (1942) explains that innovation is an important factor in driving economic and social development. In this context, a leader who is younger and more open to new ideas is often more willing to take risks to implement innovative and progressive policies. However, without sufficient experience, such innovations may be ineffective or even high-risk. Therefore, it is important to maintain a balance between the two. By having an age limit, the state can ensure that prospective leaders not only have the courage to innovate, but are also equipped with the experience that allows them to manage the risks and impacts of such policies.

In addition, setting an age limit helps to avoid an imbalance between older and younger generations in government. The life experiences of more mature individuals often provide a

deeper understanding of history, social dynamics, and politics. However, the innovation needed to face the challenges of the times requires leaders who also have new enthusiasm and ideas. As Tushman and O'Reilly explain in their theory of organizational innovation, the most successful organizations are those that can maintain a balance between stability and change. This also applies in the context of countries, where experienced yet innovative leaders can create governments that are dynamic and responsive to social, economic, and technological changes.⁶⁰In addition, the balance between experience and innovation also plays a role in strengthening leadership legitimacy.

b) Minimizing Abuse of Power

Setting the age limit for presidential and vice-presidential candidates has an important value in minimizing the potential for abuse of power, a very big risk in any system of government. One of the main challenges in running a government is how a leader can use his power for the good of the country, without being tempted to strengthen personal or group interests. More mature age is often associated with maturity in thinking and acting, which allows leaders to be wiser in making decisions. A clear and rational age limit can help ensure that prospective leaders have enough experience to view decisions with objectivity, avoiding actions that only benefit themselves or their groups.

According to Weber's theory of power, power in bureaucratic and governmental structures should be exercised for a greater purpose, not for personal gain. Younger and less experienced leaders may not have the depth of understanding of the moral responsibilities that come with power.⁶¹Without sufficient life experience, they may be more vulnerable to abuse of power, for example, through decision-making that does not consider the interests of the people or even actions that prioritize personal gain. With a clear age limit, the selection process for prospective leaders can ensure that individuals who hold important positions have the maturity to act in accordance with high ethical principles and are not easily influenced by the power they hold.

This age limit regulation is also related to the concept of "fairness" in political decision-making. In his book, Foucault describes how power in a government must be exercised carefully to prevent the domination of certain groups over society.⁶²Young or inexperienced leaders may not have enough insight to see the long-term impact of their decisions. This can lead to decisions that are too hasty or driven by personal ambition, which can ultimately harm society. In contrast, leaders who are more mature in age and experience are usually wiser in assessing the situation as a whole and tend to avoid decisions that could lead to conflicts of interest or abuse of authority.

Maturity in decision-making also often includes the ability to consider multiple perspectives and better manage political pressures. As North explains in institutional theory, political decisions taken by leaders must take into account long-term dynamics and the balance of various interests.⁶³Leaders with more experience tend to be able to restrain themselves and choose a wiser path to resolve conflicts or challenges, rather than just pursuing personal or group interests. Therefore, an adequate age limit can provide time for prospective leaders to

gain sufficient experience in dealing with various situations that test their integrity and morality in holding power.

c) Increasing Public Trust in the Democratic Process

Setting the age limit for presidential and vice-presidential candidates has a significant impact on increasing public trust in the democratic process. A healthy democracy requires transparency, fairness, and integrity in all aspects, including in the selection of prospective leaders. When age requirements are clearly set, the public will feel that the selection process for prospective leaders is carried out in an objective and open manner, which in turn increases their trust in the existing political system. This clarity not only ensures that prospective leaders meet the predetermined criteria, but also reduces the potential for manipulation and politicization that can damage the integrity of the democratic process.

According to the legitimacy theory put forward by Weber, the legitimacy of government is highly dependent on public perception of the legitimacy and fairness of the leader selection process.⁶⁴ If the election system and criteria for prospective leaders are unclear or tend to be influenced by certain parties, then public trust in the democratic process can decrease. With a clear age limit, the public can understand and accept that the selection process is based on rational criteria and does not depend on the interests of certain groups. This reduces the possibility that the selection of presidential and vice-presidential candidates will be used for political gain alone, which ultimately strengthens the legitimacy of the democratic system itself.

Clarity in age requirements also provides a transparent framework for candidates and political parties in conducting nominations. Without a clear age limit, the nomination process can become more ambiguous and open up opportunities for politicization that could potentially harm the public interest. In this context, setting an age limit serves as an objective guideline, avoiding political intervention or influence from certain groups that may try to push candidates who do not meet the eligibility standards simply for their political gain. With an age limit regulated in the law, prospective leaders must comply with the established rules, which makes the election process more structured and credible in the eyes of the public.

As Dahl explains in his theory of pluralistic democracy, democracy requires broad and fair public participation in the political process, as well as an electoral system that is free from intervention or domination by certain groups.⁶⁵ If the public feels that the process of selecting candidates for leadership is unfair or influenced by outsiders, their trust in the democratic system will decrease. In this case, setting a clear age limit can be seen as a step to ensure that the democratic process remains fair, undistorted, and runs in accordance with the principles of justice underlying the system.

In addition, transparency in setting age limits can also reduce the potential for abuse in the selection process. When the applicable criteria are clearly defined, then the parties involved in the selection of prospective leaders, both political parties and the community, will have the same understanding of who is worthy of being elected. This can narrow the space for

abuse of power, such as the use of office or political influence to nominate individuals who do not meet the criteria, but are chosen for reasons of power or certain relationships. With a predetermined age limit, the selection process will be more directed at those who truly meet objective and rational requirements.

d) Promoting Representative Leadership

Setting an age limit for presidential and vice-presidential candidates also plays an important role in encouraging more representative leadership, representing various age groups in society. In a multicultural and diverse country like Indonesia, it is important for leaders to understand the social dynamics and challenges faced by different generations. By setting an appropriate age limit, the country can ensure that elected leaders have sufficient life experience to understand the needs and aspirations of different groups, both the younger and older generations. This allows leaders to bridge the generation gap and create more inclusive and equitable policies.

Leaders who come from a more mature age tend to have a deeper understanding of the social and economic issues that affect different segments of society. They are more likely to have broader experience interacting with different age groups and understanding their perspectives. For example, an older leader may better understand the needs of older generations in terms of social security, health, and retirement, while at the same time, they may also appreciate and encourage technological advancements and education for younger generations. According to Shore's inclusive leadership theory, leaders who can integrate perspectives from different groups in society tend to make decisions that are fairer and more equitable. The right age limit can ensure that leaders have the maturity to understand and respond to these needs.⁶⁶

Furthermore, leaders who are in the mature age range are often wiser in making decisions that accommodate different generational groups. The life experiences of older leaders give them a broader perspective on social changes and challenges faced by society over time. In contrast, young leaders, despite their high energy and innovation, may not have sufficient understanding of the history and social dynamics that affect older groups. According to the theory of social capital put forward by Bourdieu, longer life experiences help one build stronger social networks and understand the depth of social structures in society. Thus, a more mature leader can be more effective in building solid relationships with different age groups in society.⁶⁷

In addition, representative leadership also allows for policies that are more responsive to social change and the evolving needs of society. Leaders who understand the challenges faced by different age groups can formulate more targeted policies. For example, by understanding the economic challenges faced by the younger generation, a more mature leader can design policies that lead to better job creation and education, while also taking into account the interests of the older generation in terms of pension and health security. In this way, representative leadership not only solves short-term problems but also creates the basis for more equitable social sustainability.

CLOSING

The essence of the regulations regarding the age limits for presidential and vice-presidential candidates in the general election system in Indonesia is:

First, the regulation of the age limit for presidential and Vice-Presidential candidates is to provide legal certainty regarding leadership skills which include skills regarding morality/ethics, intellectual skills, integrity skills, and electability skills.

Second, providing guarantees for justice in the form of equal access and opportunity as well as a balance between maturity and innovation.

Third, providing a guarantee of benefits for the realization of people's sovereignty to obtain the right to elect leaders who have good intellectual capacity, are free from ethical and moral violations, have integrity and have good electability.

Footnote

- 1) Article 1 paragraph (2) and Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia
- 2) Harun Alrasid, *Filling the Presidency*, (Jakarta: Pustaka Grafiti, 1999), p. 57.
- 3) Saldi Isra, *Shifting Legislative Functions: Strengthening the Parliamentary Legislative Model in the Indonesian Presidential System*, (Depok: Raja Grafindo Persada, 2010), pp. 63-71
- 4) Masykur, "Legal Politics of the Threshold for Presidential and Vice-Presidential Nominations Post-Reformation", Dissertation of the Doctoral Program in Law, Islamic University of Indonesia, Yogyakarta, 2023.
- 5) Law Number 7 of 2017 Concerning Elections (State Gazette of the Republic of Indonesia 2017 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 6109) as a result of the codification of Law Number 42 of 2008 Concerning Presidential and Vice Presidential Elections (State Gazette of the Republic of Indonesia 2008 Number 176, Supplement to the State Gazette of the Republic of Indonesia Number 4924), Law Number 15 of 2011 Concerning General Election Organizers (State Gazette of the Republic of Indonesia 2011 No. 101, Supplement to the State Gazette of the Republic of Indonesia Number 5246), and Law Number 8 of 2012 Concerning General Elections of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council (State Gazette of the Republic of Indonesia 2012 Number 117, Supplement to the State Gazette of the Republic of Indonesia Number 5316), ...the purpose and objectives of the codification (a) to realize fair and integrity-based elections; (b) ensure consistency of election system regulations; (c) prevent duplication of regulations and uncertainty of election regulation laws; (d) find problems in regulating election organizers, election participants, election systems, election management, and law enforcement in one election law. Cf., Constitutional Court Decision Number 37/PUU-XVII/2019 dated February 26, 2020 and Constitutional Court Decision Number 55/PUU-XVII/2019 dated February 26, 2020 in its legal considerations affirmed the constitutionality of simultaneous direct elections.
- 6) Abdul Ghoffar, "Presidential Threshold Problems, Constitutional Court Decisions and Experiences in Other Countries", *Jurnal Konstitusi*, vol. 15, 2018, p. 481.
- 7) Chapter Article 27 paragraph (1) of the 1945 Constitution of the Republic of Indonesia
- 8) Article 6 of the 1945 Constitution.
- 9) Decision Constitutional Court Number 90/PUU-XXI/2023, p. 30.

- 10) Aditia Perdana and Muhammad Imam, "Judicialization of Politics in the Constitutional Court Decision on the Age Limit for Vice Presidential Candidates in the 2024 Presidential Election", *Election Supervision Journal* part 4, 2024, p. 78.
- 11) <https://www.bbc.com/indonesia/articles/c72v9jwzg0yo>, <https://ugm.ac.id/id/berita/bayar-pakar-ugm-terkait-termusan-mk-soal-batas-usia-capres-cawapres/>, <https://news.detik.com/berita/d-7001384/pakar-Hukum-mulai-bangun-mk-soal-usia-capres-cawapres-tak-langgar-atik>, <https://www.Hukumonline.com/berita/a/pakar-sorot-perdebatan-alot-hakim-mk-soal-angkatan-jual-usia-capres-cawapres-lt652f61f4dda42/> accessed March 13, 2024.
- 12) <https://setkab.go.id/angkat-partisipasi-peleksi-dan-pengampilan-politik-di-indonesia/>, https://www.google.com/search?q=index+participation+elections+and+democracy+increasing&aq=1&oeq=index+participation+elections+and+democracy+increasing&gs_lcrp=EgZjaHJvbWUyBggAEEUYOTIHCAEQIRigAdIBCTE4NTQ3ajBqN6gCALACAA&sourceid=chrome&ie=UTF-8#vhid=zephyr:0&vssid=aritem-https://berkas.dpr.go.id/pemberitaan/buletin-parlamentaria/b-1281-2-2024.pdf&ip=1
- 13) Rangkuti, Ferdinand, *Leadership and Law*, (Jakarta: PT. RajaGrafindo Persada, 2021), pp. 45-60.
- 14) *The 1945 Constitution of the Republic of Indonesia*.
- 15) Haris Suryanto, "Leadership with Integrity: Law Enforcement and Ethics," *Journal of Law and Social Affairs*, Vol. 16 No. 2, 2022, pp. 150-165.
- 16) *Ibid.*
- 17) Budi Kusuma, *Leader Performance Evaluation: Legal and Practical Aspects*, (Bandung: Alfabeta, 2023), pp. 112-130.
- 18) *Ibid.*
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- 20) *Ibid.*
- 21) Aristotle in Coby Patrick. "Aristotle's Three Cities and the Problem of Faction", *The Journal of Politics*, vol. 50, no. 4, 1988, p. 896-919
- 22) *Ibid.*
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- 24) *Ibid.*
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- 26) Plato in Sheppard A, "The Role of the Philosopher-King in Plato's Republic", *Philosophy Now*, Vol 101, 2014, p. 14-17.
- 27) *Ibid.*
- 28) Plato in Klosko G. "The Development of Plato's Political Theory", *Political Theory*, 34 (6), 2006, p. 701-728.
- 29) *Ibid.*
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