

Reconstruction of Constitutional Court Decision on Presidential and Vice Presidential Age Limit from Siyasah Qadhaiyyah Perspective

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Abstract: The Constitutional Court Decision No. 90/PUU-XXI/2023, which allows individuals under the age of 40 to run for vice president if they have held a regional leadership position, has generated widespread public controversy. This study critically evaluates the ruling through the lens of *siyasah qadhaiyyah*, an Islamic legal-political framework that prioritizes justice (*‘adl*), transparency (*shafafiyah*), and public welfare (*maslahah*). Utilizing a qualitative research design with a case study approach, data were gathered through semi-structured interviews with constitutional law experts, Islamic jurists, and civil society representatives, supported by document analysis and media reviews. The findings indicate that the ruling is perceived by most respondents as politically biased, lacking alignment with the principles of substantive justice, and potentially discriminatory against non-political actors. Concerns also emerged regarding its implications for increased political polarization and diminished public confidence in judicial impartiality. This research contributes to the global discourse on constitutional jurisprudence and Islamic legal theory by integrating *siyasah qadhaiyyah* as a normative evaluative tool for judicial decisions in Muslim-majority democracies. It highlights the importance of embedding ethical and inclusive principles in legal reform to safeguard democratic integrity. The study concludes by recommending a realignment of Indonesia’s constitutional policies with the values of *siyasah qadhaiyyah* to ensure fair political participation and strengthen judicial legitimacy within broader democratic governance frameworks.

Keywords: Presidential Age Limit, Constitutional Court, Siyasah Qadhaiyyah

1. Introduction

Law is a vital instrument for maintaining order,¹ justice, and public welfare in all aspects of national and state life.² In the context of a rule-of-law state such as Indonesia, the formulation and implementation of laws must always be grounded in the principles of justice,³ legal certainty, and the broader benefit of society.⁴ As a democratic country governed by the rule of law, Indonesia grants authority to the Constitutional Court (Mahkamah Konstitusi) to safeguard the Constitution and interpret laws,⁵ including resolving cases concerning the constitutionality of policies or legislation.⁶ The Court plays a pivotal role

¹ Nurus Zaman et al., "Questioning the Constitutional Court Decision Regarding Age Limit of Presidential and Vice-Presidential Candidates," *PETITA: JURNAL KAJIAN ILMU HUKUM DAN SYARIAH* 9, no. 2 (September 2, 2024): 540–60, <https://doi.org/10.22373/petita.v9i2.299>.

² Saldi Isra et al., "Obstruction of Justice in the Effort to Eradicate Corruption in Indonesia," *International Journal of Law, Crime and Justice* 51 (December 2017): 72–83, <https://doi.org/10.1016/j.ijlcj.2017.07.001>.

³ Ninon Melatyugra, Umbu Rauta, and Indirani Wauran, "Overruling Mahkamah Konstitusi RI Terkait Isu Korupsi," *Jurnal Konstitusi* 18, no. 2 (November 15, 2021): 368, <https://doi.org/10.31078/jk1825>.

⁴ Diyar Ginanjar Andiraharja, "Judicial Review Oleh Mahkamah Konstitusi Sebagai Fungsi Ajudikasi Konstitusional Di Indonesia," *Khazanah Hukum* 3, no. 2 (April 5, 2021): 70–79, <https://doi.org/10.15575/kh.v3i2.9012>.

⁵ Ivana Eka Kusuma Wardani, "Peran Mahkamah Konstitusi Dalam Mengawal Prinsip Checks and Balances Terhadap Dewan Perwakilan Daerah Di Indonesia," *Volkgeist: Jurnal Ilmu Hukum Dan Konstitusi* 2, no. 2 (December 13, 2019): 239–52, <https://doi.org/10.24090/volkgeist.v2i2.2883>.

⁶ Andy Omara, "Preventing Abusive Constitutionalism in Indonesia," *Constitutional Review* 11, no. 1 (May 2025): 92–117, <https://doi.org/10.31078/consrev1114>.

in Indonesia's constitutional system,⁷ as its decisions have a direct impact on both political and legal dynamics in the country.⁸ However, Constitutional Court Decision No. 90/PUU-XXI/2023—which amended the age requirements for vice-presidential candidates and added the criterion of prior experience as a regional head—has raised serious questions about the alignment of the decision with the principles of justice and public interest as mandated in *siyasah qadhaiyyah*.

This decision has triggered tensions among citizens and politicians who perceive covert discrimination and favoritism towards specific groups with greater political access or power.⁹ In this context, it becomes crucial to evaluate the extent to which principles of justice and public welfare are upheld in legal decisions issued by the Constitutional Court, particularly in relation to Islamic legal philosophy, notably *siyasah qadhaiyyah*. *Siyasah qadhaiyyah* is a concept within Islamic legal tradition that emphasizes substantive justice, transparency, and *maslahah* (public benefit) as the core principles in legal decision-making.¹⁰ From this framework, law is not only viewed through the lens of formality or procedure but also by its substantive impact on societal well-being.

Accordingly, the Constitutional Court's decision to amend the age requirement and add leadership experience as a criterion must be analyzed through the lens of *siyasah qadhaiyyah* to assess whether it aligns with broader principles of justice and public benefit.¹¹ The main issue raised is how these principles are applied within Indonesia's democratic and pluralistic legal system, and whether the MK's decision truly benefits the wider public or instead exacerbates political and social tensions. The ruling must also be examined in terms of how the law maintains a balance between individual rights and the public interest, as outlined in the *siyasah qadhaiyyah* framework.¹²

This study aims to analyze whether the MK's ruling aligns with the principles of justice that should guide the legal system in a rule-of-law state like Indonesia. Furthermore, it explores the application of *maslahah mursalah* in this decision—whether the ruling brings benefit to the wider public or, conversely, fosters dissatisfaction that could undermine social and political harmony. In relation to *maslahah mursalah*, it is essential to assess whether the MK's policy genuinely reflects the public interest or primarily serves certain political groups. The purpose of this paper is to provide an academic foundation for evaluating the extent to which Constitutional Court Decision No. 90/PUU-XXI/2023 reflects the principles of justice and public welfare, and to develop an Islamic legal perspective for assessing political decisions that influence Indonesia's constitutional and social dynamics.

This study is expected to contribute to the development of legal theory that is more oriented toward substantive justice, and to provide guidance for policymakers in formulating legal decisions that are more inclusive, transparent, and fair. In addition, the findings of this research are also anticipated to offer insights into the relevance of applying the principles of *siyasah qadhaiyyah* within the legal context of Indonesia, a nation governed by a democratic and pluralistic system. The study further aims to provide recommendations for improving the quality of legal policies that can promote *maslahah* (public benefit) for all segments of society. Accordingly, this research is not only relevant to the study of Islamic law and Indonesian positive law, but also plays an important role in preserving the stability and integrity of Indonesia's legal system, which is founded on the principles of justice, public welfare, and democracy.

⁷ Saifullah Saifullah, Abdul Azis, and Mustafa Lutfi, "Transformasi Nilai-Nilai Hukum Islam Dalam Yurisprudensi Putusan Mahkamah Konstitusi Perspektif Teori Hukum Integratif," *De Jure: Jurnal Hukum Dan Syariah* 12, no. 1 (June 15, 2020): 1–16, <https://doi.org/10.18860/j-fsh.v12i1.8579>.

⁸ Abdul Munif, "Contested Actors around the Initiation of a Non-Judicial Settlement Mechanism for Past Gross Human Rights Violations: A Socio-Legal Study of the PPHAM Team," *The Indonesian Journal of Socio-Legal Studies* 3, no. 1 (September 2023), <https://doi.org/10.54828/ijsls.2023v3n1.1>.

⁹ Herma Yanti, "Gagasan Constitutional Complaint Sebagai Kewenangan Baru Mahkamah Konstitusi Dalam Perlindungan Hak Konstitusional," *Wajah Hukum* 2, no. 2 (November 1, 2018): 185, <https://doi.org/10.33087/wjh.v2i2.40>.

¹⁰ Muchamad Safa'at and Aan Widiarto, "Conditional Decisions as Instrument Guarding the Supremacy of the Constitution (Analysis of Conditional Decisions of Indonesian Constitutional Court in 2003 – 2017)," *Brawijaya Law Journal* 8, no. 1 (April 2021): 91–112, <https://doi.org/10.21776/ub.blj.2021.008.01.06>.

¹¹ Ali Akhbar Abaib Mas Rabbani Lubis, "OPEN PROMOTION SEKDA KABUPATEN SAMBAS: Perspektif Fikih Siyasah Dan Perundang-Undangan Di Indonesia," *JIL: Journal of Islamic Law* 1, no. 2 (August 2020): 158–81, <https://doi.org/10.24260/jil.v1i2.56>.

¹² Landy Trisna Abdurrahman, "Conflict in Islamic Jurisprudence: Noel J. Coulson's Historical Approach and His Contribution to the Study of Islamic Law," *JIL: Journal of Islamic Law* 3, no. 1 (February 2022): 74–93, <https://doi.org/10.24260/jil.v3i1.495>.

2. Method

This study employs a qualitative approach with an empirical legal research design through a field study method to explore in depth the impact and relevance of Constitutional Court Decision Number 90/PUU-XXI/2023 from the perspective of *siyasah qadhaiyyah*, particularly in relation to the principles of justice and public welfare (*maslahah*).¹³ The approaches used in this research include a sociological approach and a case approach, as the study examines not only the normative aspects of the decision but also its social implications and institutional responses. The research targets consist of 15 key informants selected purposively based on their expertise and relevance, including constitutional law experts, contemporary Islamic legal scholars, legal practitioners, community leaders, and—if accessible—Constitutional Court judges who are either directly or indirectly involved in the formation or interpretation of the decision. The researcher was present in the field to conduct in-depth interviews with these informants to gather nuanced and contextual perspectives. In addition, field observations were conducted to capture the socio-political dynamics that emerged after the issuance of the decision, including mapping reactions from state institutions, political parties, civil society organizations, and mass media. Another data collection technique used was document study, which included collecting and analyzing official Constitutional Court documents, relevant laws and regulations, media reports, as well as classical and contemporary Islamic legal literature on governance and judicial theory within the *siyasah qadhaiyyah* framework. The field research was conducted in strategic locations such as Jakarta and several other cities that are home to relevant legal and governmental institutions, with the entire data collection process taking place gradually over a three-month period.

The data obtained from interviews, observations, and document studies were analyzed using descriptive-analytical techniques, involving data reduction, thematic categorization, and interpretative conclusion drawing,¹⁴ guided by the theoretical framework of *siyasah qadhaiyyah* and the concept of *maslahah mursalah*. The analysis integrated an understanding of positive legal norms, as reflected in the Constitutional Court's decision, with the principles of substantive justice developed within the Islamic legal tradition. To ensure the validity and reliability of the data, triangulation of sources and methods was employed—comparing information from various data types (interviews, observations, and documents) and validating findings through consultations with experts in Islamic and constitutional law. Furthermore, member checking was conducted with selected informants to confirm that the research interpretations accurately reflected their perspectives and experiences. Through this comprehensive methodological approach, the study seeks to produce findings that are not only scientifically credible but also practically and philosophically meaningful, contributing to a legal discourse that upholds inclusive justice, protects public interest, and resonates with the democratic values of a pluralistic society governed by the rule of law.

3. Result and Discussion

3.1. Substantive Justice in *Siyasah Qadhaiyyah* and the Constitutional Court Decision No. 90/PUU-XXI/2023

The Constitutional Court Decision No. 90/PUU-XXI/2023, which amends the age requirement and adds the criterion of experience as a regional head for Vice Presidential candidates in Indonesia, has sparked significant debate. Some argue that this decision aims to ensure better leadership quality; however, others view it as a move that restricts opportunities for individuals who do not meet the administrative criteria,¹⁵ even if they possess strong leadership capacities and capabilities. In this context, the application of the

¹³ Aneka Rahma et al., "Policy Implications of the TikTok Shop E-Commerce Platform in the Contemporary Era: A *Siyasah Syar'iyyah* Perspective," *MILRev: Metro Islamic Law Review* 3, no. 2 (December 2024): 343–63, <https://doi.org/10.32332/milrev.v3i2.9859>.

¹⁴ Sulastri Caniago et al., "Gender Integration in Islamic Politics: Fiqh *Siyasah* on Women's Political Rights since Classical to Contemporary Interpretations," *MILRev: Metro Islamic Law Review* 3, no. 2 (December 2024): 411–31, <https://doi.org/10.32332/milrev.v3i2.9962>.

¹⁵ Abdul Rahim Hakimi et al., "Legal Policy for Women Workers in Indonesia: A Review of Contemporary Islamic Law," *MILRev: Metro Islamic Law Review* 3, no. 1 (April 2024): 66, <https://doi.org/10.32332/milrev.v3i1.9023>.

principle of justice in *siyasah qadhaiyyah* becomes highly relevant to analyze, as this principle emphasizes substantive justice—justice that focuses on the fulfillment of individual rights and the broader interests of society.

In the philosophy of *siyasah qadhaiyyah*, justice is not only viewed from the aspect of formality or legality but also from the fulfillment of individual rights in accordance with societal and economic conditions and needs. Therefore, the Constitutional Court's decision to limit age and add regional head experience as a requirement can be seen as a policy that actually restricts individual rights to participate freely and equally in the political process.¹⁶ In this case, substantive justice within the context of *siyasah qadhaiyyah* requires that every individual be given equal opportunity to participate in political life, without being hindered by rigid requirements that overlook the individual's capabilities and potential.

The principle of justice in *siyasah qadhaiyyah* is not merely about equality before the law but also about equitable access to public office for all elements of society. The Constitutional Court's decision to impose an age limit and add regional head experience seems to provide more space for those already experienced in politics or governance, while on the other hand, it restricts opportunities for individuals who may lack administrative experience but possess strong leadership qualities.¹⁷ In this context, the Court's decision can be categorized as a form of substantive injustice, as it hinders individuals with strong leadership qualities and vision from competing at a higher level.

Siyasah qadhaiyyah, at its core, does not only emphasize legal formality but also the alignment with public interest. Therefore, if a legal decision ends up restricting opportunities for individuals who could potentially contribute greatly to public welfare, such a decision contradicts the principles of justice in *siyasah qadhaiyyah*. In this regard, the imposition of age and regional leadership experience requirements for Vice Presidential candidates can be seen as a decision that fails to provide adequate space for individuals with diverse capacities, yet strong leadership vision and quality.

From the perspective of *siyasah qadhaiyyah*, it is important to remember that public policies should always be oriented towards public welfare. This welfare must not only benefit certain segments of society, but must also take into account the well-being and interests of all layers of the community. Restrictions on Vice Presidential candidates based on age and regional head experience could reduce the likelihood of emerging young leaders who bring fresh and innovative ideas. This has the potential to diminish healthy political dynamics, which should ideally provide space for prospective leaders from various backgrounds to contribute meaningfully to governance.

This Constitutional Court decision can also be viewed as a form of injustice in the distribution of political power. In a democratic country, every citizen should have equal rights to compete in general elections without being restricted by regulations that tend to reduce the chances for certain individuals to participate. The limitations set by this decision may create inequality in the opportunity to compete in the political arena, which clearly contradicts the fundamental principles of democracy that emphasize equality and inclusivity.¹⁸

The Constitutional Court's ruling may lead to political uncertainty, as not all Vice Presidential candidates who meet the administrative requirements will necessarily possess strong leadership qualities. Experience as a regional head, while important, does not always guarantee that someone will be capable of managing a nation effectively.¹⁹ Thus, this decision has the potential to exclude more promising candidates who may not meet the specific administrative experience criteria.

¹⁶ Agusniwan Etra, "Peran Mahkamah Konstitusi Dalam Perlindungan Hak Pilih Dalam Negara Hukum Demokratis," *Jurnal Konstitusi* 19, no. 2 (June 2022): 479, <https://doi.org/10.31078/jk19210>.

¹⁷ Dodi Haryono, "Metode Tafsir Putusan Mahkamah Konstitusi Dalam Pengujian Konstitusional Undang-Undang Cipta Kerja," *Jurnal Konstitusi* 18, no. 4 (February 2022): 774, <https://doi.org/10.31078/jk1843>.

¹⁸ Zuhad Aji Firmantoro, "Menimbang Kedudukan Majelis Kehormatan Mahkamah Konstitusi Setelah Terbitnya Undang-Undang Nomor 7 Tahun 2020," *Jurnal Konstitusi* 17, no. 4 (January 2021): 899–918, <https://doi.org/10.31078/jk1749>.

¹⁹ Intan Permata Putri and Mohammad Mahrus Ali, "Karakteristik Judicial Order Dalam Putusan Mahkamah Konstitusi Dengan Amar Tidak Dapat Diterima," *Jurnal Konstitusi* 16, no. 4 (January 2020): 883, <https://doi.org/10.31078/jk16410>.

In this regard, justice from the *siyasah qadhaiyyah* perspective calls for more flexible and inclusive policies. A policy should allow space for individuals with good leadership potential to participate in political processes, even if they do not fulfill certain administrative requirements. Substantive justice in *siyasah qadhaiyyah* focuses on achieving public welfare, prioritizing leadership quality, integrity, and vision that bring benefit (*maslahah*) to the nation and its people, rather than solely on administrative experience or specific age thresholds.

The principle of justice in *siyasah qadhaiyyah* also emphasizes the importance of siding with the collective interests of the people. Therefore, a policy that only provides opportunities for those with experience as regional heads may contradict this principle, as it fails to take into account the diversity of potential that exists within society. Every individual has leadership potential and should not be limited by formal experience that may not reflect their true leadership abilities or qualities.²⁰

Based on these principles, the Constitutional Court Decision No. 90/PUU-XXI/2023, which limits age and adds the requirement of regional head experience for Vice Presidential candidates, should be more deeply evaluated from the perspective of substantive justice. Within the framework of *siyasah qadhaiyyah*, a policy must consider equal rights and opportunities for every individual, without limiting participation solely to those who meet certain administrative qualifications. Therefore, even though the Court's decision aims to ensure leadership quality, from a substantive justice perspective, the policy needs to be reconsidered to ensure that it truly provides space for individuals with strong leadership potential, regardless of their administrative background.

As democracy and the legal system in Indonesia continue to evolve, efforts must be made to ensure that legal decisions,²¹ including those issued by the Constitutional Court, align with the fundamental principles of justice and the public good. Applying the principles of *siyasah qadhaiyyah* in every legal decision is essential, as it emphasizes not only formal justice but also substantive justice that prioritizes the welfare and benefit of the public.²² Thus, every policy must be oriented toward achieving collective well-being without limiting opportunities for individuals who have the capacity to contribute to governance.²³ The Constitutional Court's decision to limit age and add the requirement of regional head experience for Vice Presidential candidates should be seen as part of the effort to improve leadership quality in Indonesia.²⁴ However, in the context of justice in *siyasah qadhaiyyah*, this policy needs further consideration to ensure it does not ignore the diversity of potential and opportunity for individuals who possess leadership capabilities despite not meeting certain administrative criteria. A legal and political system that prioritizes substantive justice will be better equipped to create a just, transparent government that is oriented toward the public good.

In-depth interviews with two legal practitioners, Nanda Ariadi and Hendra Utama, reinforce the findings of this study. Nanda Ariadi asserted that Constitutional Court Decision No. 90/PUU-XXI/2023 emphasizes formal legality rather than substantive justice, which is the core value of *siyasah qadhaiyyah*. He stated: "Justice in the perspective of *siyasah qadhaiyyah* is not solely about fulfilling administrative requirements. What matters more is whether a legal decision ensures fair and equal access for all citizens to participate in the political process."²⁵

Meanwhile, Hendra Utama highlighted the potential inequality of access and legal uncertainty resulting from the imposition of a regional head experience requirement. According to him:

²⁰ Bagus Surya Prabowo, "Menggagas Judicial Activism Dalam Putusan Presidential Threshold Di Mahkamah Konstitusi," *Jurnal Konstitusi* 19, no. 1 (March 2022): 073, <https://doi.org/10.31078/jk1914>.

²¹ Raju Moh Hazmi, "Personal Interview" (Bukittinggi, 2025).

²² Anna Triningsih, Achmad Edi Subiyanto, and Nurhayani Nurhayani, "Kesadaran Berkonstitusi Bagi Penegak Hukum Terhadap Putusan Mahkamah Konstitusi Sebagai Upaya Menjaga Kewibawaan Peradilan," *Jurnal Konstitusi* 18, no. 4 (February 2022): 898, <https://doi.org/10.31078/jk1848>.

²³ Khairul Fahmi, "Personal Interview" (Padang, 2025).

²⁴ Wendra Yunaldi, "Personal Interview" (Bukittinggi, 2025).

²⁵ Nanda Ariadi, "Personal Interview" (Payakumbuh, 2025).

"This policy seems to favor those already within political power structures, while many highly capable young figures are excluded simply because they have never held formal office."²⁶ Both interviewees agreed that the decision tends to benefit particular political elites and may hinder the regeneration of national leadership. From the perspective of *maslahah* in *siyasah qadhaiyyah*, such a ruling risks narrowing the space for emerging leaders who could offer fresh and innovative visions for the broader welfare of the nation.

3.2. Reconstructing the Presidential and Vice Presidential Age Limit: A Sustainable Governance Perspective through the Lens of Maslahah Mursalah

The Constitutional Court Decision Number 90/PUU-XXI/2023, which modifies the age requirement and adds regional head experience as a criterion for Vice Presidential candidates in Indonesia, has sparked considerable debate across various sectors. Legally, this decision aims to ensure that prospective leaders possess adequate experience to carry out the responsibilities of state governance. However, from the perspective of Islamic law, such a decision must be examined through the lens of the principle of *maslahah mursalah*—a concept emphasizing the pursuit of public benefit without rigid stipulations or disregard for the interests of the wider community. *Maslahah mursalah* plays a vital role in assessing whether this policy truly benefits society or, conversely, creates injustice and obstacles in the democratic process.

The principle of *maslahah mursalah* in Islamic jurisprudence refers to considerations of public welfare in areas not explicitly addressed in the primary sources of Islamic law (the Qur'an and Sunnah). It is applied when a legal determination is necessary to achieve a greater benefit for the community. In this context, the Constitutional Court's decision to impose age limits and require experience as a regional head for Vice Presidential candidates should be evaluated based on whether it brings greater societal benefit or, instead, restricts the opportunities of individuals with strong leadership qualities who may not meet the specified administrative requirements.²⁷

One crucial consideration is whether the policy aligns with the ultimate objectives of Islamic law, which are to promote welfare (*maslahah*) and prevent harm (*mafsadah*).²⁸ In this regard, we must ask whether restrictions related to age and regional leadership experience genuinely enhance leadership quality or simply limit political access for those who are capable of leading effectively, despite lacking certain formal qualifications. From the perspective of *maslahah mursalah*, such a policy must be critically examined to determine whether it truly prioritizes broader societal benefit or unintentionally creates barriers to inclusive political participation and democratic progress.

Furthermore, the Constitutional Court's decision may be seen as a policy that diminishes opportunities for younger leaders or those without specific administrative backgrounds. Young leaders often bring fresh perspectives and innovative ideas that can drive national progress.²⁹ When analyzed through the lens of *maslahah mursalah*, these restrictions could risk narrowing the space for a younger generation of leaders who possess the capability to lead but lack sufficient administrative experience. This could, in turn, stifle the potential benefits of generational renewal in leadership and limit the diversity of political representation.

From the perspective of *maslahah mursalah*, the Constitutional Court's decision may not fully harness the potential of the younger generation, who bring new visions and fresh energy to drive meaningful change. In fact, by providing broader opportunities for them to compete, such a policy could facilitate the leadership renewal that is critically needed in Indonesia's political landscape. While the restrictions may

²⁶ Hendra Utama, "Personal Interview" (Payakumbuh, 2025).

²⁷ A. Zaenurrosyid, Hidayatus Sholihah, and Nur Hidayatuloh, "The Islamic Philanthropy Model Based on Maslahah Principles for Developing Islamic Campus in Java," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 24, no. 2 (December 2024): 279–304, <https://doi.org/10.18326/ijtihad.v24i2.279-304>.

²⁸ Henky Fernando et al., "The Controversy of Indonesian Democracy Practices in The Post-Reform," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 2 (December 2024): 159–77, <https://doi.org/10.30631/alrisalah.v24i2.1594>.

²⁹ Suwarno Abadi, "Penguujian Formal Terhadap Putusan Mahkamah Konstitusi: Komentar Terhadap Putusan Mahkamah Konstitusi Nomor 145/PUU-XXI/2023," *Jurnal Konstitusi* 22, no. 1 (March 2025): 137–56, <https://doi.org/10.31078/jk2218>.

be intended to ensure the quality of leadership, in practice, they could prevent capable individuals from advancing simply because they do not meet the established administrative criteria.

The application of *maslahah mursalah* also takes into account the principle of equitable power distribution. A policy that results in unequal access to political competition could negatively impact the fairness of power allocation.³⁰ In this context, *maslahah mursalah* would advocate for equal opportunity for all individuals, regardless of their administrative background, to participate in the political process. Therefore, the policy imposing strict administrative criteria for Vice Presidential candidates should be reconsidered, as it risks fostering political inequality and limiting democratic access.

Additionally, it is important to assess whether the Constitutional Court's decision aligns with the principle of public benefit within Indonesia's pluralistic society. In a country characterized by rich social and cultural diversity, legal decisions must take into account various community contexts and provide space for inclusive political participation. *Maslahah mursalah* teaches that policy-making should strive to create social and political harmony that benefits all segments of society, rather than favoring a select few.

Leadership quality is indeed vital, yet when existing policies limit opportunities for individuals with genuine leadership potential, such decisions must be re-evaluated in terms of their broader societal benefit. Excessive restrictions on age and administrative experience could stifle the diversity and dynamism needed in the political process. In contrast, diversity in leadership can introduce new perspectives that are essential in addressing future challenges.

Furthermore, the application of *maslahah mursalah* in this context requires assessing whether the policy yields sustainable benefits for the public. Encouraging diverse leadership that is not confined to administrative experience alone would offer the electorate a wider array of candidates—leaders with innovative ideas and problem-solving capabilities. This approach is consistent with the core of *maslahah mursalah*, which seeks public welfare through flexible and adaptive legal reasoning, rather than rigid legal formalism.

Maslahah mursalah also emphasizes the avoidance of harm (*mafsadah*) to the community. If the Constitutional Court's decision to restrict the age requirement and add criteria for regional leadership experience results in inequality and hinders capable individuals from leading, it may be seen as a form of harm that must be prevented. Therefore, the principle of *maslahah mursalah* encourages the development of fairer policies that offer broader opportunities for individuals with the potential to make positive contributions to the nation, without being obstructed by restrictive administrative requirements.

Within the framework of Islamic law, any decision that fails to bring maximum benefit to the people—especially if it curtails individual freedoms—should be reconsidered. Overly restrictive policies can generate public dissatisfaction and erode trust in the political system. By considering *maslahah mursalah*, decisions made by the Constitutional Court should aim to serve the wider public interest, by opening access to political participation for those with leadership potential, even if they lack specific administrative experience.

The principle of *maslahah mursalah* calls for policies that do not benefit only a select group but more importantly, those that ensure broader public welfare. By ensuring equal opportunities for all individuals to compete and develop their leadership potential, legal decisions will better align with the goal of promoting communal well-being, as emphasized by *maslahah mursalah*. Hence, overly restrictive and exclusionary policies should be revisited to better serve the interests of the wider society.

From the perspective of greater public benefit, the Constitutional Court's decision should ideally prioritize diversity and inclusivity within the political process. In an increasingly complex and dynamic world, having leaders from diverse backgrounds and perspectives is vital for effective governance and problem-solving.

³⁰ Rosdiana Rosdiana, Ummu Hanah Yusuf Saumin, and Masayu Mashita Maisarah, "Legitimacy on Inter-Faith Marriages: An Analysis of the Role of Religious Councils on the Legal Policy in Indonesia," *AHKAM: Jurnal Ilmu Syariah* 19, no. 1 (July 9, 2019), <https://doi.org/10.15408/ajis.v19i1.11710>.

The greater *maslahah*, in this case, lies in enabling individuals with varying experiences and capacities to participate in politics without being limited by narrow criteria such as age or prior administrative roles.

Accordingly, the application of *maslahah mursalah* in this context should support policies that emphasize flexibility, diversity, and the empowerment of society to engage in political processes. Decisions that limit individuals' rights to compete in public elections—though intended to enhance leadership quality—must be re-evaluated to ensure consistency with broader principles of public welfare. Good governance requires not only administratively experienced leaders, but also those with vision and passion to bring about meaningful change for all members of society.

The Constitutional Court's decision to impose age limits and require prior experience as a regional head for vice-presidential candidates raises serious concerns when examined through the lens of *maslahah mursalah*. This principle emphasizes that public policy should be grounded in considerations of public benefit—tangible and widespread advantages for society—as well as the avoidance of harm or socio-political detriment. In Indonesia's diverse and dynamic context, such restrictions may reduce the political participation of younger generations who hold the potential to bring about meaningful change. By excluding candidates who lack certain administrative backgrounds, despite having strong leadership capacity and vision, this policy risks fostering inequality and injustice in the democratic process. Furthermore, such a decision may create exclusivity within the political sphere, which contradicts the spirit of social justice and equal opportunity as emphasized in the objectives of Islamic law (*maqashid al-shari'ah*).

Within the framework of *maslahah mursalah*, legal policies should ensure the broad, inclusive, and fair participation of all segments of society without discrimination based solely on administrative criteria. Good governance relies not only on administrative experience but also on the capacity, integrity, and visionary ideas of potential leaders. Therefore, a policy that limits vice-presidential candidacy based on age and administrative experience should be reconsidered to avoid conflicting with values of public welfare. In a political world that continues to evolve, leadership renewal involving young and progressive figures is crucial to addressing contemporary challenges. The principle of *maslahah mursalah* demands policies that are adaptive to social contexts and oriented toward collective well-being—not merely adherence to rigid formal procedures. Thus, the application of this principle should encourage more open policies, foster political regeneration, and guarantee justice in access to political power.

From a global landscape perspective, leadership models that are more inclusive and youth-oriented can foster stronger diplomatic ties, particularly in international forums that increasingly prioritize intergenerational justice, youth participation, and inclusive decision-making. The Islamic legal principle of *maslahah* supports this direction by advocating for openness, equity, and adaptability in policy design. Thus, the decision of the Constitutional Court—if left unchallenged—may have negative ripple effects on Indonesia's international image as a democratic and inclusive nation committed to the global sustainable agenda. Additionally, the intersection of Islamic legal reasoning with contemporary sustainability discourse demonstrates the relevance of classical jurisprudence in modern policymaking. Policies rooted in *maslahah mursalah* are not limited to parochial or national concerns; rather, they contribute to the global pursuit of justice, equitable development, and institutional resilience. Revisiting age and administrative experience requirements is, therefore, not merely a domestic legal concern but part of a larger effort to align Indonesia's governance framework with international sustainability norms and human rights standards. In conclusion, the application of *maslahah mursalah* demands that legal and constitutional decisions uphold the principles of equity, participation, and long-term societal benefit, which are indispensable components of sustainable governance. The age and experience restrictions imposed by the Constitutional Court may unintentionally obstruct these goals by excluding a new generation of leaders who are capable of steering the nation through global transformations. As such, this policy should be reconsidered in light of not only domestic values of justice and inclusivity but also its implications for Indonesia's role in the global sustainable future.

4. Conclusion

The Constitutional Court's decision to impose age limits and require prior experience as a regional head for vice presidential candidates raises various issues from the perspective of substantive justice and public welfare (*maslahah*). Within the framework of *siyasah qadhaiyyah*, which emphasizes justice in legal rulings issued by judicial authorities, this decision appears to fall short of reflecting the values of social and political fairness that should serve as the foundation for public policymaking. Restrictive administrative provisions—such as age requirements and prior leadership experience—risk creating subtle forms of discrimination, effectively limiting political participation for younger generations and other potential leaders who may possess leadership capacity, integrity, and a national vision, yet fail to meet these narrow technical criteria. In fact, according to the principle of *maslahah mursalah*, the ultimate goal of Islamic law is to ensure public welfare; therefore, any legal policy that generates harm or disadvantages for the broader society should be reconsidered. Excessive restrictions not only hinder political regeneration but also constrict democratic space that ought to be open to all citizens without exception. As a consequence, such a decision risks reinforcing power concentration among certain groups, creating political inequality, and eroding public trust in democratic institutions.

This study is limited to an analysis of the Constitutional Court's decision within the framework of *maslahah mursalah* principles and the substantive justice values in Islamic law and Indonesian democracy. The primary focus is on the legal policy's implications for youth engagement and the fair and inclusive regeneration of national leadership. This research does not directly examine the socio-political impacts of the decision on marginalized groups or conduct comparative studies with inclusive policy practices in other countries. Furthermore, it does not explore in depth the role of religious institutions and civil society in advocating for justice and *maslahah*-based national policymaking. These aspects are recommended for further investigation by future researchers.

Declarations

Author Contribution Statement

Muhammad Febri Eka Saputra was responsible for designing the research concept and theoretical framework, conducting field data collection, and critically analyzing the findings. He also led the drafting of the initial manuscript. Miswardi contributed to the literature review, refinement of the research methodology, and made substantial revisions to the content and structure of the writing. Nurkhairat Ihsan and Nadya Fransiska supported the research by providing financial assistance but were not involved in the conceptualization, data analysis, or manuscript preparation. Rahmi Surya Safitri provided minor assistance during the research process but was not substantially involved in the core development of the study or manuscript preparation.

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Data Availability Statement

The authors declare that there are no known financial interests or personal relationships that could have appeared to influence the conduct or findings of this research.

Declaration of Interests Statement

The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper. If any potential conflicts of interest exist, they will be disclosed transparently.

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