

**KETIDAKPASTIAN HUKUM MENGENAI SYARAT USIA GUBERNUR
DAN WAKIL GUBERNUR: ANALISIS PUTUSAN MAHKAMAH AGUNG
NOMOR 23/P/HUM/2024**

Bryan Lucky Luciano

Fakultas Hukum Universitas Surabaya

Pembimbing :

1. Prof. Dr. Hj. Hesti Armiwulan, S.H., M.Hum.
2. Erly Aristo, S.H., M.Kn.

ABSTRAK

Berdasarkan Pasal 1 Ayat (3) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 ditegaskan bahwa Indonesia merupakan negara hukum, lebih lanjut di dalam Pasal 28D Ayat (1) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 telah diatur bahwa “Setiap orang berhak atas pengakuan, jaminan, perlindungan, dan kepastian hukum yang adil serta perlakuan yang sama di hadapan hukum”. Namun dalam dinamika bernegara terkadang terjadi hal-hal yang menyebabkan terjadinya ketidakpastian hukum. Seharusnya di dalam Negara Kesatuan Republik Indonesia yang merupakan negara hukum tidak terjadi ketidakpastian hukum karena hukum merupakan dasar acuan dalam bernegara sebagaimana telah diamanatkan di dalam Pasal 1 Ayat (3) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. Lembaga kehakiman seperti Mahkamah Agung dan Mahkamah Konstitusi memiliki peran yang paling penting dalam mewujudkan kepastian hukum. Namun faktanya, terkadang lembaga kehakiman belum dapat mewujudkan kepastian hukum sebagaimana diamanatkan di dalam Pasal 28D Ayat (1) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

Kata kunci: *Negara Hukum, Kepastian Hukum, Lembaga Kehakiman*

***LEGAL UNCERTAINTY REGARDING THE AGE REQUIERMENT FOR
GOVERNOR AND VICE GOVERNOR: AN ANALYSIS OF THE SUPREME
COURT RULING NUMBER 23/P/HUM/2024***

Bryan Lucky Luciano

Faculty Of Law, University Of Surabaya

Supervised By :

1. Prof. Dr. Hj. Hesti Armiwulan, S.H., M.Hum.
2. Erly Aristo, S.H., M.Kn.

ABSTRACT

Based on Article 1, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia, it is emphasized that Indonesia is a rule of law state. Furthermore, in Article 28D, Paragraph (1) of the 1945 Constitution of the Republic of Indonesia, it is stated that "Everyone has the right to recognition, guarantee, protection, and legal certainty in a fair manner, as well as equal treatment before the law." However, in the dynamics of state governance, there are sometimes situations that lead to legal uncertainty. In the Republic of Indonesia, which is a rule of law state, legal uncertainty should not occur because the law serves as the fundamental reference in state governance, as mandated in Article 1, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Judicial institutions such as the Supreme Court and the Constitutional Court play the most important role in ensuring legal certainty. However, in reality, sometimes these judicial institutions have not been able to realize the legal certainty as mandated in Article 28D, Paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

Keywords: Rule of Law, Legal Certainty, Judicial Institutions