

ABSTRACT
CONSTITUTIONALITY OF THE CONSTITUTIONAL COURT
DECISION NUMBER 90/PUU-XXI/2023 FROM THE PERSPECTIVE OF
CONSTITUTIONAL LAW AND *FIQH SIYASAH DUSTURIYAH*

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The Constitutional Court is a state institution that acts as the Guardian of the Constitution, tasked with providing the right interpretation of the law so that it does not contradict constitutionalism. Decision Number 90/PUU-XXI/2023 issued by the Constitutional Court regarding the age limit for presidential and vice-presidential candidates has caused a lot of controversy starting from determining it until the decision was made. This study aims to analyze the decision of the Constitutional Court Number 90/PUU-XXI/2023, from the perspective of constitutional law and *Fiqh Siyasa Dusturiyah* (Islamic state politics). The formulation of the research problem is how the constitutionality of the Constitutional Court's decision Number 90/PUU-XXI/2023 and how *Fiqh Siyasa Dusturiyah* views the constitutionality of the Constitutional Court's decision Number 90/PUU-XXI/2023. The methodology that used in this research is a juridical-normative approach, with a descriptive analysis method. This research relies on literature studies from the primary sources such as court decisions, and laws and secondary sources from books and journals related to Constitutional Law and *Fiqh Siyasa Dusturiyah*. The results showed that the Constitutional Court's decision Number 90/PUU-XXI/2023 was unconstitutional and this decision is not by the principles of justice and the principle of division of authority in *Fiqh Siyasa Dusturiyah*. This research showed the importance of fair legal interpretation, *maslahat*, and compliance with the principles of *Fiqh Siyasa Dusturiyah* and the constitution in determining constitutional political policy.

Keywords: Constitutional Court; Constitutionality; *Fiqh Siyasa Dusturiyah*.

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ABSTRAK
KONSTITUSIONALITAS PUTUSAN MAHKAMAH KONSTITUSI
NOMOR 90/PUU-XXI/2023 PERSPEKTIF HUKUM KONSTITUSI DAN
FIQH SIYASAH DUSTURIYAH

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Mahkamah Konstitusi merupakan lembaga negara yang berperan sebagai penjaga konstitusi (*Guardian of Constitution*). Karena itu, ia bertugas memberikan penafsiran yang tepat terhadap undang-undang agar tidak bertolak belakang dengan paham konstitusionalisme. Putusan Nomor 90/PUU-XXI/2023 yang dikeluarkan oleh Mahkamah Konstitusi terkait batas usia calon presiden dan wakil presiden menimbulkan banyak kontroversi mulai dari pengajuan hingga penetapan putusan tersebut. Penelitian ini bertujuan untuk menganalisa putusan Mahkamah Konstitusi Nomor 90/PUU-XXI/2023 dari perspektif hukum konstitusi dan *Fiqh Siyasah Dusturiyah* (politik ketatanegaraan Islam). Dengan begitu, rumusan masalah penelitian yaitu : (1) Bagaimanakah konstitusionalitas putusan Mahkamah Konstitusi Nomor 90/PUU-XXI/2023, (2) bagaimanakah pandangan *Fiqh Siyasah Dusturiyah* terhadap konstitusionalitas putusan Mahkamah Konstitusi Nomor 90/PUU-XXI/2023. Penelitian ini menggunakan pendekatan yuridis-normatif, dengan metode analisis deskriptif. Penelitian ini mengandalkan studi literatur dari sumber primer dan sumber sekunder yang berkaitan dengan Hukum Konstitusi dan *Fiqh Siyasah Dusturiyah*. Hasil penelitian menunjukkan bahwa putusan Mahkamah Konstitusi No.90/PUU-XXI/2023 inkonstitusional menurut hukum konstitusi dan putusan ini tidak sesuai dengan prinsip keadilan dan prinsip pembagian kewenangan dalam *Fiqh Siyasah Dusturiyah*. Penelitian ini menunjukkan pentingnya penafsiran hukum yang adil, maslahat, dan kepatuhan terhadap prinsip-prinsip *Fiqh Siyasah Dusturiyah* dan konstitusi dalam menentukan kebijakan politik ketatanegaraan.

Kata Kunci: Mahkamah Konstitusi; Konstitusionalitas; *Fiqh Siyasah Dusturiyah*.

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