



The Salient Features of the Constitution of Indonesia

Elvina Taro

International Association of Contemporary Research, Indonesia

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ABSTRACT

The Constitution of Indonesia, known as the 1945 Constitution (Undang-Undang Dasar 1945), provides a framework for governance in one of the world's most populous and diverse countries. Encompassing a blend of traditional values, modern democratic principles, and the philosophy of Pancasila, it is the legal and ideological bedrock of Indonesia. This paper delves into the Constitution's salient features, tracing its historical evolution, analyzing its structural and philosophical underpinnings, and exploring its practical implications for governance and citizens' rights.

Introduction

Indonesia, the largest archipelagic state in the world, is a melting pot of diverse cultures, religions, and ethnicities. Its Constitution, adopted on August 18, 1945, reflects this diversity while emphasizing unity and sovereignty. Drafted amidst the backdrop of Japanese occupation and Indonesia's struggle for independence, the Constitution is unique in combining indigenous governance traditions with modern democratic principles.

The guiding philosophy of the Constitution is Pancasila, Indonesia's state ideology, which consists of five principles:

- 1. Belief in One Supreme God** – Promoting religious tolerance within a monotheistic framework.
- 2. Just and Civilized Humanity** – Upholding human dignity and social justice.
- 3. Unity of Indonesia** – Prioritizing national unity across diverse regions and cultures.
- 4. Democracy Guided by Consensus** – Advocating deliberative decision-making in governance.
- 5. Social Justice for All Indonesians** – Ensuring equitable distribution of resources and opportunities.

This Constitution is a living document, with its adaptability demonstrated through amendments reflecting Indonesia's evolving socio-political landscape.



Hypothesis of the Paper

The 1945 Constitution of Indonesia, as a dynamic legal and ideological framework, effectively balances Indonesia's cultural diversity, democratic governance, and national unity through the incorporation of Pancasila and principles of decentralization, while ensuring adaptability to contemporary challenges through amendments.

This hypothesis suggests that the Constitution is not only a product of Indonesia's historical and cultural context but also a living document capable of evolving to meet the nation's socio-political and economic needs.

Methodology

The methodology employed in this paper is based on qualitative research and an analytical approach to explore the salient features of the Indonesian Constitution. The research relies primarily on documentary analysis, examining both primary and secondary sources. Primary sources include the 1945 Constitution of Indonesia (Undang-Undang Dasar 1945), its official amendments, and records from the People's Consultative Assembly (MPR). Secondary sources comprise scholarly books, journal articles, and legal commentaries that provide context and critical interpretations of the Constitution and its evolution.

The study begins with a historical analysis of the Constitution's drafting, adoption, and amendments to understand its development over time. This is followed by a doctrinal analysis of the constitutional text and amendments, identifying and interpreting its key provisions, including the principles of Pancasila, the governance model, and the rights it guarantees. Comparative analysis is used to place the Indonesian Constitution in a global context by comparing it with those of other nations, focusing on amendment procedures, governance structures, and the integration of cultural and religious diversity.

Content analysis of scholarly works and legal commentaries is conducted to critique the practical implications of constitutional provisions and reforms, particularly those introduced during the post-1999 amendments. Finally, a legal and political analysis explores the relationship between constitutional principles and Indonesia's socio-political environment, including issues such as decentralization, judicial independence, and democratic transitions. This methodology provides a comprehensive understanding of the Constitution's features by integrating legal, historical, and socio-political perspectives.

Historical Background

Indonesia's constitutional journey began with the drafting of the 1945 Constitution by the Preparatory Committee for Indonesian Independence (PPKI). Influenced by socio-political conditions and the need for swift implementation, the initial draft focused on simplicity and flexibility. Over time, the Constitution



has been amended multiple times to address challenges related to democracy, human rights, and governance.

Key milestones include:

- The Provisional Constitution of 1950, which introduced a parliamentary system.
- The reinstatement of the 1945 Constitution in 1959 by President Sukarno to strengthen central authority.
- Amendments from 1999 to 2002, following the Suharto regime, which modernized the Constitution by incorporating democratic reforms.

Salient Features of the Constitution

1. Preamble and Ideological Foundation

The Preamble of the Indonesian Constitution is a proclamation of independence and a commitment to building a just, prosperous, and sovereign state. It encapsulates the nation's goals and philosophy, underlining unity, social justice, and the role of Pancasila as a guiding framework for governance and societal values.

2. Pancasila: The State Philosophy

At the core of Indonesia's constitutional framework lies Pancasila, a unique ideological foundation that balances religious, cultural, and democratic principles. It integrates elements of traditional Indonesian values, Islamic teachings, and modern political thought, making it distinct among global constitutions.

3. Unitary State with Decentralization

Indonesia is a unitary state, which means the central government holds supreme authority. However, the Constitution also recognizes the vast geographical and cultural diversity of the archipelago, granting regional autonomy to provinces, regencies, and cities. This decentralization was significantly expanded after the fall of Suharto in 1998, empowering local governments while preserving national unity.

4. Presidential System of Government

Indonesia follows a presidential system, where the President is both the head of state and government. Elected directly by the people, the President holds significant executive powers, including the authority to appoint ministers and oversee the armed forces. This system ensures political stability and accountability.

5. Fundamental Rights and Freedoms

The Constitution guarantees an array of fundamental rights to its citizens, including:
Freedom of religion, thought, and expression.



- Equality before the law.
- Right to education, health, and employment.
- Protection from discrimination and exploitation.
- Amendments introduced after 1999 strengthened human rights provisions, aligning them with international standards.

6. Representative Democracy and Bicameral Legislature

Indonesia practices representative democracy, with a bicameral legislative structure:

The People's Representative Council (DPR):

Functions as the primary legislative body, responsible for law-making and budget approval.

The Regional Representative Council (DPD):

Represents regional interests, focusing on issues related to regional development and governance.

Both houses operate under the broader framework of the People's Consultative Assembly (MPR), which has the authority to amend the Constitution and inaugurate the President.

7. Independent Judiciary

The Constitution emphasizes the rule of law and an independent judiciary. It establishes:

- **The Supreme Court (Mahkamah Agung):** The highest judicial authority.
- **The Constitutional Court (Mahkamah Konstitusi):** Responsible for judicial review of laws, resolving disputes between state institutions, and safeguarding constitutional rights.

8. Religious and Cultural Pluralism

Indonesia recognizes and respects its religious and cultural diversity. While the state is not explicitly secular, it promotes religious harmony and prohibits atheism. Cultural traditions are preserved and celebrated, reflecting the Constitution's commitment to pluralism.

9. Social Justice and Economic Equity

The Constitution underscores the importance of social justice and equitable development. Articles related to economic policies stress the fair distribution of resources and wealth, ensuring that development benefits all citizens, particularly marginalized communities.

10. Amendments and Flexibility

The Constitution is designed to be amendable, allowing it to adapt to changing circumstances. Amendments require deliberation and consensus within the MPR, ensuring stability while facilitating modernization. The amendment process of the Indonesian Constitution is a formal and deliberate procedure handled by the People's Consultative Assembly (MPR), ensuring stability and adherence to



democratic principles. Amendments can be proposed by at least one-third of the total members of the MPR. The proposal must be submitted in writing, clearly outlining the specific provisions to be amended and the rationale for the changes.

The proposed amendment is then deliberated by the MPR, which consists of the People's Representative Council (DPR) and the Regional Representative Council (DPD). To ensure legitimacy, a quorum of at least two-thirds of the MPR's total membership is required for the session. For an amendment to be approved, it must gain the support of at least two-thirds of the members present.

Certain aspects of the Constitution are protected from amendment. The foundational principles of Pancasila, as outlined in the Preamble, and the unitary structure of the Indonesian state cannot be altered. This safeguard ensures that amendments do not undermine Indonesia's core values, such as sovereignty, unity, and democracy.

Once an amendment is approved, it is incorporated into the Constitution and promulgated as law. The amendment process reflects the Constitution's adaptability while maintaining its foundational integrity. Significant amendments between 1999 and 2002 introduced direct presidential elections, enhanced regional autonomy, the establishment of the Constitutional Court, and expanded human rights protections, illustrating the Constitution's capacity to evolve in response to Indonesia's changing needs.

Amendments and Evolution

Indonesia's Constitution has undergone four major amendments between 1999 and 2002. Key changes include:

- Direct elections for the President and Vice President.
- Enhanced autonomy for regional governments.
- Strengthened judicial independence through the establishment of the Constitutional Court.
- Expansion of fundamental rights, including freedom of the press and expression.
- These reforms have transformed Indonesia into a robust democracy, balancing centralized governance with local autonomy.

Conclusion

The Indonesian Constitution is a testament to the nation's ability to harmonize its rich cultural heritage with modern governance principles. Its emphasis on Pancasila, regional autonomy, and social justice makes it unique and adaptable. As Indonesia continues to evolve, its Constitution remains a cornerstone for building a democratic, inclusive, and prosperous society.



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