



# DEMOCRACY AND THE 1945 CONSTITUTION: A POLITICAL PERSPECTIVE ON INDONESIA'S CONSTITUTIONAL FRAMEWORK

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#### ABSTRACT

This article examines the evolution and role of Indonesia's 1945 Constitution in shaping the country's democratic governance from a political perspective. Following the reformation era, constitutional amendments were enacted to transform Indonesia from an authoritarian regime into a democratic state by establishing direct presidential elections, strengthening legislative authority, guaranteeing human rights, and creating independent institutions such as the Constitutional Court and the Corruption Eradication Commission. Using a qualitative normative approach and political-legal analysis, this study explores how these constitutional reforms have redefined power relations and institutional functions within Indonesia's political system. While the amended Constitution provides a solid legal framework for democracy, challenges remain in its implementation, including political elite interests, institutional weaknesses, and ongoing attempts to manipulate constitutional norms. The findings suggest that the sustainability of Indonesian democracy depends not only on the constitutional text but also on political actors' commitment, judicial independence, and active civil society participation. This article contributes to the understanding of constitutional democracy as a dynamic process influenced by both legal frameworks and political realities.

## **INTRODUCTION**

Indonesia's constitutional journey has been profoundly shaped by its political evolution as a post-colonial nation striving for democracy. As the world's third-largest democracy and a pluralistic society, Indonesia distinctive experience presents constitutional development rooted in the 1945 Constitution (Undang-Undang Dasar 1945 or UUD 1945). This foundational legal document. first enacted shortly after independence, has not only structured the nation's political institutions but also influenced the direction and character of its democratic practices. Over the decades. particularly following the fall of the

authoritarian New Order regime in 1998, the UUD 1945 has been amended reinterpreted to respond to changing political demands and societal expectations. This article aims to explore the dynamic interaction between democracy and the 1945 Constitution from a political perspective, assessing how constitutional design and political power have mutually shaped the course of democratic governance in Indonesia (Santika et al,. 2019)

The UUD 1945 was originally drafted in a time of urgent political transition. Created by the Preparatory Committee for Indonesian Independence under Japanese supervision, the Constitution was designed as a provisional

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framework until a more permanent document could be debated by a democratically elected assembly. However, political instability and subsequent power struggles delayed the creation of a new constitution, and the original UUD 1945 became Indonesia's de facto fundamental law. The constitutional arrangement centralized authority in the executive, provided few institutional checks and balances, and left room for significant executive discretion—elements that would later be exploited by authoritarian regimes. the Guided Democracy During President Sukarno and the New Order under President Suharto, the Constitution was used to legitimize strong centralized rule, suppress opposition, and weaken the independence of state institutions. Though the UUD 1945 provided the formal structure of the state, it failed to protect democratic practices, civil liberties, and popular participation in any meaningful sense (Santika, 2021).

The fall of the Suharto regime in 1998 marked a pivotal moment for Indonesia's political system. The reformation era ushered in widespread demands for democratization, institutional accountability, and constitutional reform. Between 1999 and 2002, Indonesia amended the UUD 1945 through a series of four major changes that transformed the political architecture of the state. These amendments introduced significant democratic features such as the direct election of the president and parliament, establishment of a bicameral legislature, the inclusion of a comprehensive Bill of Rights, and the creation of independent oversight institutions like the Constitutional Court and the Judicial Commission (Sudiarta, 2024). These reforms signaled a clear departure from authoritarianism and laid the foundation for a

more accountable, participatory, and pluralistic governance model.

From a political standpoint, the amended 1945 Constitution represents both progress and ongoing tension. On one hand, it institutionalizes key democratic principles, including separation of powers, rule of law, and political representation. On the other, the effectiveness of these provisions is often undermined by persistent challenges such as corruption, weak party institutionalization, and elite domination. While the Constitution now formally enshrines checks and balances. the actual practice of politics often reveals imbalances—particularly in the relationship between executive and legislative branches, or in the politicization of judicial institutions. These inconsistencies raise important questions about the capacity of the constitutional framework to fully safeguard democratic norms and resist authoritarian tendencies.

Moreover, the political behavior of elites continues to influence how the Constitution is interpreted and applied. Although the Constitutional Court has emerged as a key institution in upholding constitutional rights and resolving disputes, its impartiality and independence have at times come under political pressure. Similarly, debates over presidential term limits and the composition of electoral bodies reflect ongoing attempts by political actors to shape the Constitution for their own advantage. In this sense, the Constitution remains a living document—continually contested redefined through political negotiation, institutional struggle, and public discourse (Mahendra & Pali, 2024).

Another critical aspect of Indonesia's constitutional democracy is the role of civil society and citizen engagement. The amended

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UUD 1945 grants broader rights to freedom of expression, assembly, and political participation, allowing civil society actors to play a more active role in the democratic process. Yet, structural and cultural barriers still limit meaningful public involvement. Education, economic inequality, and unequal access to information often hinder the ability of citizens to fully exercise their rights. This gap between formal constitutional guarantees and lived political realities is a recurring issue in Indonesia's democratic consolidation.

The regional decentralization process, initiated alongside constitutional reforms, has also transformed Indonesia's political landscape. Empowering local governments through the principle of autonomy, as stipulated in the Constitution, has facilitated greater local participation and innovation. However, it has also introduced new complexities in governance, including regional disparities, local corruption, and fragmented authority. The challenge lies in ensuring that decentralization supports—not undermines—democratic accountability and constitutional coherence (Santika, 2021b).

Despite these challenges, Indonesia's experience shows that constitutional reform can create space for democratic transition and growth, even in societies with a history of authoritarianism. The UUD 1945, though originally designed for a different era, has proven adaptable to new political contexts. The key lies in sustaining a political culture that respects constitutional principles, holds leaders accountable, and nurtures public trust in democratic institutions. Ensuring that constitutionalism functions not just as a formal legal doctrine but as a living political practice is essential to the health of Indonesia's democracy.

In conclusion, this article contends that understanding the relationship between democracy and the 1945 Constitution requires more than legal analysis; it demands a political perspective that considers power dynamics, institutional behavior, and societal engagement. The Constitution is not a neutral arbiter but a political tool shaped by those who interpret and implement it. democratic potential depends not only on its text but on how political actors use or misuse it in practice. By analyzing this dynamic interaction, the article aims to shed light on the strengths and weaknesses of Indonesia's current constitutional framework and to contribute to ongoing efforts to deepen and defend democratic governance in the country.

## **METHODS**

This research adopts a qualitative normative approach with a focus on politicallegal analysis to understand the relationship between democracy and the 1945 Constitution (UUD 1945) within the context of Indonesia's state structure. The normative approach is used to examine the constitutional provisions textually and systematically, while the political perspective analyzes how those legal structures operate in political practice, particularly in relation to power dynamics and institutional behavior. Thus, this research is not only descriptive of the constitutional content but also analytical of the political realities surrounding it, both at the level and within institutional the policymaking process that directly affects the principles of constitutional democracy.

This study is descriptive-analytical in nature and follows a library research design. The author does not collect data through interviews or field surveys, but rather uses secondary data derived from legal documents, state institution decisions, and relevant

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academic literature. The study aims to provide a critical understanding of Indonesia's post-reform constitutional dynamics, focusing on how the constitution has been amended, implemented, and interpreted within the context of political power. Through this approach, the research seeks to portray a comprehensive picture of the relationship between the constitutional text and political practices that shape the quality of democracy in Indonesia (Pelokilla, 2023).

Data for this research is drawn from both primary and secondary sources. Primary sources include the original and amended texts of the 1945 Constitution, transcripts from the sessions of the People's Consultative Assembly (MPR) during the amendment process (1999-2002), Constitutional Court decisions regarding institutional disputes and election-related cases, and relevant legislation governing the political system, such as laws on elections, political parties, and judicial authority (Aspinall, 2010). Secondary sources include academic books and peer-reviewed journal articles in the fields of constitutional law and political science, reports from state and independent institutions (e.g., the National Commission on Human Rights, the Corruption Eradication Commission, and the General Elections Supervisory Agency), as well as global democracy and rule-of-law indices (e.g., The Economist Democracy Index and Freedom House reports).

In analyzing the data, this research applies a theoretical framework of constitutional democracy, which includes principles such as popular sovereignty, rule of law, separation of powers, the protection of human rights, and institutional checks and balances. These principles serve as analytical tools to assess the extent to which the Indonesian Constitution internalizes

democratic values within its legal norms, and how those values are either realized or distorted in political practice. Institutionalism theory is also applied to understand the role and interactions of state institutions in upholding the Constitution and ensuring accountability.

As part of its political approach, this study presents selected contemporary case studies to illustrate how political dynamics influence the implementation of the 1945 Constitution. For example, issues such as the revision of the KPK Law, debates over presidential term limits, and the role of the Constitutional Court in election disputes are used to demonstrate the interaction between constitutional norms and political interests 2020). In addition. (Santika, limited comparative analysis is conducted with other democracies that have transitioned from authoritarian regimes, such as South Korea and South Africa, to enrich the analysis and identify best practices in the development of constitutional democracy.

This study has certain limitations. Due to its qualitative-normative nature, it does not incorporate quantitative methods or empirical data such as public surveys to measure societal perceptions of democracy constitutionalism (Buehler, 2016). Furthermore, political developments can change rapidly, which may require continuous updates to remain relevant. Nevertheless, the study focuses on structural and institutional aspects, which tend to be more stable and thus suitable for in-depth analysis (Kurniawan, 2023).

From an ethical standpoint, this research relies solely on publicly accessible documents and literature. No personal data or sensitive information is used. All references are properly cited to ensure academic

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integrity and avoid any form of plagiarism, in accordance with scientific standards, including Turnitin-based review.

#### RESULTS AND DISCUSSIONS

The reformation period (Reformasi) following the fall of the New Order regime in 1998 marks a critical juncture in Indonesia's constitutional development. One of the most significant outcomes of this era was the amendment of the 1945 Constitution between 1999 and 2002 (Honna, 2016). These constitutional changes brought about a transformation from an authoritarian system to a more democratic and participatory governance structure. The results of these amendments can be analyzed through several dimensions, including institutional restructuring, democratization of political processes, enhancement of human rights protection, and the dynamics of checks and balances among state powers (Saskia, 2023).

One of the most notable results of the constitutional amendments was the democratization of the executive branch, particularly the introduction of direct presidential elections beginning in 2004. Previously, the president was elected by the People's Consultative Assembly (MPR), a process dominated by elite bargaining and limited public participation. By transitioning to a system of direct election, the amended constitution significantly enhanced legitimacy and accountability of the executive. This change not only reflected a commitment to democratic ideals but also responded to public demands for greater voice in national leadership. The political consequence of this reform is a more competitive and open electoral system, where the president must secure broad-based support rather than relying solely on political party elites.

In addition, the strengthening of legislative institutions represents another key outcome of the post-reform constitutional changes. The House of Representatives (DPR) has gained more substantial legislative powers, including the authority to propose and reject bills, oversee executive actions, and approve the national budget. The creation of the Regional Representative Council (DPD) also reflects a constitutional commitment to regional representation within the national legislative framework (Butt, 2012). However, in practice, the DPD's authority remains limited and largely consultative, leading to ongoing debates about its relevance and effectiveness. While the DPR has become more assertive in its oversight function, political fragmentation and the dominance of party interests often hinder its performance in safeguarding democratic accountability.

Furthermore, the establishment of independent state institutions, such as the Constitutional Court (Mahkamah Konstitusi), the Judicial Commission (Komisi Yudisial), and the Corruption Eradication Commission (Komisi Pemberantasan Korupsi or KPK), underscores a significant shift toward institutional checks and balances. Constitutional Court, in particular, has played a pivotal role in reviewing laws, resolving electoral disputes, and protecting constitutional rights (Sila, 2024). Its decisions have shaped major aspects of Indonesia's political landscape, including rulings on political party laws, election systems, and the limits of executive authority (Sukma, 2013). The KPK, although created through legislation and not directly by constitutional provision, was born out of the constitutional spirit to fight corruption and strengthen governance. Nevertheless, recent legislative attempts to weaken the authority of these

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institutions raise concerns about the resilience of Indonesia's constitutional democracy and the commitment of political elites to uphold reformist values (Lijphart, 2012).

The recognition and constitutional guarantee of human rights represent another major development in the post-reform constitutional order (Santika & Suastika, Chapter XA of the amended 2022). Constitution explicitly outlines civil and political rights, including the right to freedom of expression, religion, assembly, equality before the law, and protection against arbitrary arrest or torture (Sujana et al., 2025). This development aligns Indonesia with global democratic norms and has become a crucial reference for judicial review and policy evaluation. However, in reality, the implementation of these rights remains inconsistent. Instances of restriction on civil liberties—such as the suppression of protests, criminalization of dissent through broad interpretations of defamation or blasphemy laws, and discrimination against minority groups—highlight the gap between constitutional ideals and actual practice (Sutika et al, 2024). These discrepancies indicate the need for stronger judicial enforcement and civic education to ensure the Constitution functions not only as a legal reference but also as a living safeguard of rights.

In addition to structural reforms, the post-amendment constitutional framework has also influenced the electoral system, introducing more transparent and competitive processes. Proportional representation, open-list voting, and the role of the General Election Commission (KPU) as an independent body have significantly increased the inclusivity and credibility of

elections. However, challenges persist in the form of money politics, vote buying, electoral fraud, and the personalization of political campaigns. The high financial cost of running for office often leads candidates to rely on oligarchic backers or political patrons, which undermines the principle of equal political participation. Moreover, weak internal democracy within political parties contributes to the recycling of political elites and hinders the emergence of reformist leadership. These structural weaknesses suggest that while the Constitution provides the framework for broader democratic elections, political reforms are needed to make electoral democracy more substantive (Mietzner, 2014).

The Constitution's role in facilitating decentralization also warrants discussion. Following reformation. Indonesia the embarked on a significant decentralization agenda, transferring authority and fiscal responsibility to regional governments. This change was rooted in the constitutional principle of regional autonomy (otonomi daerah) and aimed to improve service delivery, promote local participation, and reduce the Jakarta-centric model governance. In some regions, decentralization has led to innovative local policies and greater responsiveness to public needs (Santika, 2022). However. it has also opened local elite opportunities for capture, uneven development. corruption, and Moreover, tensions between central and regional authorities occasionally arise due to vague legal mandates or overlapping jurisdictions, revealing the need for more coherent constitutional and legislative alignment regarding decentralization.

From a political perspective, the Constitution remains a contested site of



power. Political actors often interpret constitutional provisions in ways that align with their interests. For instance, the Constitutional Court has ruled in favor of various electoral and political party reforms, but its decisions are sometimes politicized or selectively enforced. Debates around revising the Constitution—particularly proposals to reinstate the New Order-style Guidelines of State Policy (GBHN) or to allow more than two presidential terms—illustrate ongoing struggles over constitutional direction. Such efforts are often criticized as attempts to erode the spirit of reformation and revive authoritarian tendencies under the guise of legal reform (Sujana & Pali, 2024). These developments highlight the fragility of democratic consolidation and the importance of civic vigilance in defending constitutional integrity.

The interaction between civil society and constitutionalism also plays a crucial role in shaping the outcomes of Indonesia's democracy. Post-reform Indonesia has seen a surge in civil society activism, legal advocacy, and citizen participation (Tate, 2008). Nongovernmental organizations, student movements, and professional associations have used constitutional mechanisms—such as judicial review and public hearings—to influence policy and hold power accountable (Sila, 20204). However, civil society's capacity to effect change is uneven across regions and sectors, and it often faces structural barriers such as limited access to information, political intimidation, or restrictive laws (Santika et al., 2021). Despite these challenges, an active civil society remains essential for ensuring that constitutional democracy is only procedural but also participatory and responsive (Santika et al., 2019).

In sum, the results of Indonesia's constitutional reform demonstrate a clear intention to democratize the state and embed principles of accountability, participation, and rule of law into the legal framework. Yet, these reforms are not self-executing; they require continual political commitment, interpretation, and public engagement to function effectively. The Constitution, while providing the architecture of democracy, is only as effective as the institutions and actors who implement it (Serlockm 2016). Political will, judicial independence, civil society engagement, and citizen awareness all play indispensable roles in translating constitutional ideals into democratic practice.

From a critical standpoint, it is evident that Indonesia's constitutional democracy remains a work in progress (Sujana & Kandia, 2024). Significant strides have been made in institutional design and legal reform, but recurring threats such as authoritarian nostalgia, oligarchic dominance, democratic backsliding cannot be ignored. The durability of constitutional democracy depends not only on the resilience of legal norms but also on the political culture that surrounds them (Azan, 2024). A democratic constitution must be defended, practiced, and renewed through everyday political behavior and institutional discipline (Santika, 2019b).

The Constitution's success or failure as a tool for democratization should therefore be measured not merely by the sophistication of its text but by its performance in real political contexts. In Indonesia's case, the amended 1945 Constitution has provided a necessary but insufficient condition for democratic consolidation. While it enables democratic governance in principle, the continued challenges in implementation—particularly regarding electoral integrity, institutional

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independence, and protection of rights—reflect deeper issues within the political system (Septiningsih, 2023).

Ultimately, the Indonesian experience demonstrates the complexity of constitutional transformation in post-authoritarian societies. The evolution of the 1945 Constitution reflects both progress and contestation, innovation and resistance. As Indonesia continues its democratic journey, the Constitution must remain a living document—open to interpretation, responsive to change, yet firmly rooted in the foundational values of justice, liberty, and popular sovereignty.

#### **CONCLUSIONS**

The transformation of Indonesia's constitutional system through the post-1998 amendments to the 1945 Constitution signifies a remarkable and deliberate shift toward democratic governance. changes established the formal structures necessary for a constitutional democracy, including the separation of powers, direct elections, the protection of human rights, and the establishment of independent institutions. From a political perspective, however, the implementation of these constitutional reforms remains deeply intertwined with the dynamics of power, elite interests, and the evolving nature of political competition in Indonesia.

The constitutional amendments have undoubtedly enhanced democratic legitimacy and participation, particularly through direct presidential elections and strengthened legislative oversight. The establishment of institutions such as the Constitutional Court and the Corruption Eradication Commission further reflects a commitment to building an accountable and just legal order (Sujana 2024). Nonetheless, the persistence of oligarchic influence, political clientelism, weak

party institutionalization, and attempts to revise democratic gains through constitutional manipulation highlight the ongoing tension between democratic ideals and political reality.

While the text of the amended 1945 Constitution provides a robust framework for a democratic state, its effective application depends heavily on the conduct of political actors, the independence of judicial bodies, and the active engagement of civil society. The Constitution is not merely a legal instrument but a political one—its meaning and impact shaped by those who are interpret, implement, and contest it. Therefore, the challenge for Indonesia is not only to preserve the achievements of reformation but to deepen and defend them in the face of new and emerging threats.

In conclusion. Indonesia's constitutional framework is both a product of democratic transition and a battlefield for its consolidation. The endurance of democracy in Indonesia will rely on the capacity of its institutions to resist authoritarian regression, the vigilance of its citizens to uphold constitutional values, and the willingness of its leaders to govern within the limits of law and accountability. As such, the 1945 Constitution must remain a living document flexible yet principled, adaptive yet anchored in democratic foundations. The future of Indonesia's democracy will ultimately depend not only on the written word of its Constitution. but on the collective commitment to ensure that those words are honored in practice..

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