



Constitutional Law Reform: Analysis and Impact

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Abstract - This research aims to assess the efficacy of the amendments to the 1945 Constitution of the Unitary State of the Republic of Indonesia in promoting democratic values and enhancing government accountability. Utilizing a normative research method, the study involves comprehensive literature reviews and detailed analyses of legal documents, including related laws, regulations, official documents, academic publications, and specific amendments to the Constitution. These amendments, which included limiting the presidential term, increasing the transparency of the general election process, and strengthening the roles of the People's Representative Council and the Regional Representative Council, were evaluated for their impact. The findings indicate that while the constitutional changes have fostered increased accountability and transparency within the government, challenges such as bureaucratic inertia, public ignorance of legal frameworks, and persistent corruption continue to impede full realization of the reforms. The study suggests that enhanced public engagement, stricter law enforcement, and further bureaucratic reform are necessary to overcome these obstacles. Successfully addressing these challenges could lead to a smoother functioning of governance, improved administration, and the establishment of a democratic and just legal state that aligns with Indonesia's aspirations. The potential implications of these reforms are significant, promising to enhance the democratic fabric and accountability mechanisms of the country.

Keywords: Legal Reform, Constitution, Democracy, Accountability, Indonesia

I. INTRODUCTION

The 1945 Constitution of the Unitary State of the Republic of Indonesia is the foundational legal document that established the framework for governance in Indonesia following its independence from colonial rule. As a cornerstone of the nation's legal and political system, the Constitution outlines the structure of the government, delineates the separation of powers, and enshrines fundamental rights and freedoms. It plays a pivotal role in guiding the functioning of Indonesia's democratic institutions and ensuring accountability and transparency in governance.

Various areas of state administration, including government procedures, citizen rights and duties, and the fundamental concepts of the state are regulated by the 1945 Constitution of the Unitary State of the Republic of Indonesia, the highest legal basis in Indonesia (Taufiqurrohman et al., 2024). The 1945 Constitution of the Unitary State of the Republic of Indonesia serves as the primary framework for conducting national and state affairs, having been put in place since independence (Agustina et al., 2024). The need to reform the system of constitutional law, however, has grown in importance alongside social demands and

technological advancements. As a result, beginning in the late 1990s, during the Reformation period, a number of reforms were implemented with the goal of enhancing Indonesia's government structure and promoting more democracy (Diharjo et al., 2024).

To make the government more open and responsible and to reinforce democratic values, constitutional law reformers in Indonesia are amending the 1945 Constitution of the Unitary State of the Republic of Indonesia. Some of the major changes to the state's institutional structure brought about by this amendment include a more open system of general elections, changes to the way the president's tenure is determined, and a strengthening of the People's Representative Council and Regional Representative Council's roles (Amer et al., 2024). Additionally, in light of the many transgressions committed during the New Order period, this reform places an emphasis on the need to safeguard human rights and maintain just laws (Pujayanti et al., 2024).

Another crucial step in preserving political stability and avoiding the rise of an excessively dominating authority is establishing a two-term limit for the presidency. Restriction of power promotes a balanced transfer of authority and opens the door for new, innovative leaders to take the helm. Further, the democratic process is anticipated to be safeguarded against fraudulent and manipulative tactics with a general election procedure that is more open and equitable.

Human rights have received heightened emphasis in Indonesia following amendments to the 1945 Constitution, which aimed to enhance legal frameworks and establish institutions such as the National Human Rights Commission and the Constitutional Court. These bodies play crucial roles, with the Constitutional Court adjudicating on the constitutionality of laws and resolving electoral disputes. This commitment is underscored by the guarantee of equal legal protection for all citizens, reflecting the government's dedication to safeguarding fundamental rights. Despite these improvements, significant challenges remain in fully realizing these reforms. Persistent issues such as bureaucratic inefficiency, nepotism, and corruption hinder effective administration. Additionally, there is an ongoing need to improve legal literacy and foster greater public engagement to ensure that the benefits of these reforms are experienced across all segments of society.

This constitutional law change has far-reaching and diverse consequences. One positive outcome of constitutional revisions to the Unitary State of the Republic of Indonesia's 1945 Constitution is the increased participation of the general people in governance and the fortification of safeguards against abuse of power inside the state (Muhtar, Maranjaya, et al., 2023). But there are still a lot of obstacles to overcome in order to put these reforms into action, including public ignorance of the law, lethargic bureaucracy, and corruption (Razak et al., 2023). Reforms to the 1945 Constitution of the Unitary State of the Republic of Indonesia have significantly reshaped the government structure and enhanced the protection of human rights. Key amendments include the introduction of term limits for the presidency, the enhancement of transparency in the electoral process, and the strengthening of legislative bodies to ensure greater accountability. These changes aim to establish a government that is more democratic, transparent, and accountable. Despite these advances, the full realization of these goals depends on addressing ongoing challenges such as bureaucratic inefficiency and corruption.

Findings will hopefully shed light on how well the 1945 Constitution of the Unitary State of the Republic of Indonesia's amendments have strengthened democratic principles and government accountability in Indonesia, and what problems have yet to be solved in terms of constitutional law reform. That apart, another goal of this study is to identify current issues and then develop strategies to solve them. In this research, we will formulate the problem by asking: how much progress has been made in making the government more open and accountable since the 1945 Constitution of the Unitary State of the Republic of Indonesia was amended? We will also look at the key challenges in reforming constitutional law and how to overcome them so that we can achieve our reform goals.

The study aims to evaluate the impact of the amendments to the 1945 Constitution of the Unitary State of the Republic of Indonesia on enhancing government transparency and accountability. To guide the investigation, the research will address the following questions: (1) To what extent have the amendments succeeded in increasing government transparency

and accountability in Indonesia? and (2) What are the main challenges faced in implementing these constitutional law reforms, and how can these obstacles be overcome to achieve optimal reform goals? These questions will frame the subsequent analysis and discussions, providing a clear pathway for understanding the effects and ongoing challenges of constitutional reform in Indonesia.

II. METHOD

This research uses normative research methods, the main focus of which is on literature study and analysis of legal documents (Amiruddin & Asikin, 2012). We opted for this approach because it works well for analyzing how constitutional law reforms in Indonesia have affected governmental institutions and the defense of human rights. This research primarily draws on a variety of legal sources for its data. These sources include, but are not limited to, official documents, scholarly articles, and the text of amendments to the 1945 Constitution of the Unitary State of the Republic of Indonesia. It also includes relevant laws and regulations.

This study employs a descriptive analysis to explore the effectiveness of amendments to the 1945 Constitution of the Unitary State of the Republic of Indonesia in enhancing government transparency and accountability. The analysis begins with a detailed examination of the constitutional amendments, specifically focusing on those that have aimed to make the general election process more transparent, limit the president's term of office, and strengthen the roles of the People's Representative Council and the Regional Representative Council. To assess the impact of these reforms, we systematically collect and compile data from a variety of sources, including legal documents, official reports, and scholarly articles. Each amendment is analyzed in terms of its contribution to improving governmental transparency and accountability. The method involves mapping out the chronological implementation of the amendments and evaluating their real-world effects on the functioning of the government. This structured approach allows for a comprehensive understanding of how these constitutional changes have influenced governance in Indonesia.

In addition, the study highlights the most significant obstacles to constitutional law change. Corruption, sluggish bureaucracy, and public ignorance of the law are all examples of the difficulties that exist. Examining the policies and actions implemented to address these challenges, as well as evaluating the state of affairs before and after change, constitute this study.

This study rigorously investigates the effectiveness of constitutional law reforms in Indonesia, focusing on how these reforms have enhanced government transparency and accountability, and identifying the challenges that hinder their full implementation. Employing a combination of descriptive analysis and normative research methodologies, the research begins with a comprehensive examination of the amendments made to the 1945 Constitution of the Unitary State of the Republic of Indonesia. Specific reforms analyzed include the limitation on the president's term, increased transparency in the electoral process, and the strengthening of legislative bodies. The study extends beyond mere description by incorporating case studies, expert interviews, and policy analysis from other countries with similar reform challenges. This approach aims to provide actionable insights and recommendations that could significantly improve and fortify Indonesia's efforts in constitutional law reform. The ultimate goal is to derive strategies that address and overcome the barriers to effective reform, thereby fostering sustained government openness and accountability.

III. RESULT AND DISCUSSION

1. The Influence of Amendments to the 1945 Constitution of the Unitary State of the Republic of Indonesia on Government Transparency and Accountability in Indonesia

Historical contexts gave rise to and shaped the human idea of the rule of law. Plato explicitly proposed the notion of a legal state when he established the Nomoi concept (Yudhanegara et al., 2024). According to him, solid legal frameworks are the bedrock of effective state administration. The rule of law and its philosophical and social-political

foundations are inseparable, particularly with regard to the centrality of citizens as first among equals in state affairs (Suwito et al., 2023). Thus, the aspect of restricting the authority of the state in order to safeguard personal liberties has considerable weight. As the rule of law gains traction, it is in line with Lord Acton's aphorism that those in authority are prone to abusing their position, and the misuse of ultimate power is inevitable (Al, 2023).

Power that is not grounded in law tends to be dictatorial, as our nation's path has shown. A concentrated concentration of power resulted from the Old Order regime's guided democracy features; broad policies were enacted in accordance with specific desires rather than communal aspirations (Muhtar, 2019). Disintegration of the country occurs as a result of this leadership model's failure to emphasize democratic values and the resulting sense of powerlessness among the populace. The similar issue happened throughout the New Order leadership period, when the model of leadership sought to bring together different aspects without considering all existing desires, leading to limitations on people's constitutional rights. The Indonesian people's embrace of constitutional democracy and the rule of law is at odds with the preponderance of executive authority, which is described as "executive heavy." (Harahap et al., 2023).

Government in Indonesia at that period was rife with corruption, collusion, and nepotism because of the abuse of power and the lack of continuous adherence to the rule of law. As a reaction to widespread corruption in Indonesian society, the reform movement of 1998 arose as a means to quickly replace the administration (Muhtar, Tribakti, et al., 2023). Fighting the culture of corruption is the goal of every policy in every sector.

The evidence points to a corruption "virus" that is eroding the moral fiber of the country as the root cause of the multi-faceted disaster besetting the country. There is a lack of focus on an individual's quality among the bureaucracy's staff, who are often family or coworkers. Due to the dominance of hegemonic parties and military forces, which serve a dual purpose in Indonesia (ABRI), law enforcement officers are unable to effectively diminish and remove these corrupt activities (Abqa et al., 2023).

Reinstatement of the rule of law was a goal of the 1945 Constitutional Amendment of the Unitary State of the Republic of Indonesia. In the 1945 Constitution of the Unitary State of the Republic of Indonesia, Article 1 paragraph (3) declares, "The State of Indonesia is a state of law." This clause was included to the Republic of Indonesia's 1945 Unitary State Constitution as a consequence of the Third Amendment. People sometimes had their worries about Indonesia being a constitutional state since there were no laws that specifically stated such prior to the Third Amendment. Authorities in a lawful state are not allowed to behave arbitrarily towards its residents, and the state's authority over individuals is limited. This claim implies a check on government authority and the establishment of bodies whose job it is to uphold the law. An further consequence of affirming the rule of law is the need for governmental institutions to be established with the purpose of protecting the rule of law. According to JBJM ten Berge's theory of the rule of law, all rules of law need oversight from impartial institutions and courts (Maria Farida Indrati Soeprapto, 1998).

Constitutional revisions to the Unitary State of the Republic of Indonesia, which date back to 1945, reveal this sophisticated evolution in the legal politics of judicial authority. Article 24, paragraph (2) of the 1945 Constitution of the Unitary State of the Republic of Indonesia, as amended in 2001, provides that the Supreme Court and the Constitutional Court, each with its own set of competences, exercise judicial authority in Indonesia. In order to ensure that laws be upheld in accordance with the Constitution, a governmental institution known as the Constitutional Court was established. In addition to determining whether or not a president or vice president no longer satisfies the requirements, the Constitutional Court is responsible for resolving conflicts involving the authority of state institutions as granted by the Constitution, determining whether or not a political party may be dissolved, and deciding on appeals of election results. This exemplifies the government's resolve to develop democratic ideals in Indonesian state structure and provide equal legal protection for all citizens.

The historical development of the rule of law in Indonesia is deeply intertwined with the philosophical and sociopolitical contexts that have shaped its legal framework. The idea, as posited by Plato through his concept of *Nomoi*, emphasizes that a robust legal framework is

essential for effective state governance. This principle has been pivotal in the evolution of legal states where the restriction of state authority is crucial to safeguard personal liberties. Historical experiences in Indonesia have demonstrated that unchecked power, often leading to dictatorial rule, underscores Lord Acton's assertion that power tends to corrupt.

Significant periods such as the Old Order and the New Order in Indonesia were marked by a concentration of power that neglected broader democratic values, leading to widespread disenfranchisement and restrictions on constitutional rights. The reaction to these eras, particularly the reform movement of 1998, was largely driven by the need to address the endemic corruption, collusion, and nepotism that plagued the government, reflecting a severe detachment from the principles of rule of law.

The amendment of the 1945 Constitution, especially the third amendment that explicitly declared Indonesia as a state of law, was a crucial step in re-establishing the foundations for a constitutional state. This amendment aimed to limit the arbitrary exercise of power by establishing legal checks and the creation of institutions like the Constitutional Court. This court plays a vital role in overseeing the constitutionality of laws and resolving significant political disputes, thereby ensuring that governance adheres to democratic ideals and the rule of law. These constitutional revisions mark a sophisticated evolution in the legal-political landscape of Indonesia, emphasizing judicial authority and the necessity of upholding the Constitution to protect citizens' rights and maintain government accountability.

Finally, in an attempt to establish a genuine rule of law state in Indonesia, the 1945 Constitution of the Unitary State of the Republic of Indonesia has been amended, bringing about significant modifications. The goal of this reform is to make the government more democratic, responsible, and responsive to society's demands by enhancing institutional structures, making government procedures more transparent, and reinforcing the protection of human rights. But change is still an arduous and difficult road to go. Consistent monitoring and implementation of the rule of law principles requires a continuous commitment from all part of the country, including society and the government. By following this path, we may realize the vision of creating a more equitable, wealthy, and respectable Indonesia, in line with the reformist ideals and the constitutional requirement.

2. Main Challenges in Implementing Constitutional Law Reform and Strategies to Overcome Them

Several significant obstacles stand in the way of constitutional law change in Indonesia, which must be carefully addressed if the reform objectives are to be realized. There is still a lot of corruption in the government, which is one of the main problems. Corruption, collusion, and nepotism (KKN) remain major roadblocks to the establishment of an honest and open government, despite the fact that reform has altered the state's legal structure and administrative apparatus. The rule of law, democracy, and public faith in government are all weakened by corruption (Cammack et al., 2015).

The study of constitutional processes, the government's connection with the people, and the interrelationships of state institutions is known as constitutional law. Constitutions, laws, and other statutory provisions are the primary focus of constitutional law, which also oversees their creation, execution, and control. The supremacy of law, separation of powers, good governance, and popular sovereignty are the fundamental principles of constitutional law that every constitutional state must uphold.

The government must follow the law and not do anything that goes against it; this is in accordance with the supremacy of law concept, which states that the law is the highest commander of the state. State protection of human rights and responsiveness to the demands of the people as represented by democratic institutions are essential components of popular sovereignty, which holds that power in the state rests with the people as rulers of power.

Law is the foundation of governmental activity according to the rule of law, and public policy ought to be consistent with justice and the rule of law. Beyond that, public engagement, openness, and accountability in all decision-making processes are essential to upholding the rule of law. Involvement of the public in policymaking, input from the public, and social control over policy execution are all guaranteed under this.

But there are always a lot of roadblocks when it comes to actually enforcing the law. Corruption, favoritism, abuse of authority, and human rights abuses persist in many nations. So, to ensure that all individuals are protected fairly and equally by the law, efforts to establish and enhance the rule of law must persist. To overcome this obstacle and establish a system of law that is both fair and democratic, constitutional law reform must be a continuous effort including the full support of society and the government (Bourchier, 2019).

Constitutional law studies the link between people and the state, in addition to constitutional theory and governmental systems. The state's administration, public services, government processes, and policies are all included under this. As part of safeguarding people's fundamental rights guaranteed by the constitution, laws pertaining to freedom of association and speech are particularly crucial (Davidson, 2010).

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In constitutional law, the rule of law establishes the rule of law as the bedrock upon which all governmental actions are based. Under a rule of law system, the foundation for all governmental activity is the rule of law itself, which might take the shape of a constitution, general policies, or specific statutes and regulations. Legal clarity and citizen protection are essential to the rule of law notion. What this implies is that everyone needs to be free and equal before the law (Hendrianto, 2018). The rule of law also requires an impartial and effective enforcement of the law, free from bias or outside meddling. All governmental actions originate from the law, and public policy ought to be consistent with and respectful of the rule of law. Beyond that, public engagement, openness, and accountability in all decision-making processes are essential to upholding the rule of law.

Unfortunately, the rule of law isn't always upheld in practice. Abuse of authority, corruption, nepotism, and human rights breaches persist in many nations. Hence, the rule of law must be refined and expanded upon indefinitely to ensure that all of its inhabitants have equal and just legal protections. The field of public administration law investigates and analyzes both the theoretical and practical aspects of public administration conduct. Administrative structures, governmental institutions, and the citizen-state dynamic are the focus of constitutional law studies (Asshiddiqie, 2009).

Indonesia, like many other nations, has a significant issue in enforcing defective legal laws. When authority is abused, human rights are violated, corruption is rampant, and nepotism is prevalent, the law becomes a weapon of power rather than a tool of justice. This impedes the growth of robust democracies by eroding public faith in the judicial and governmental systems. This is why strengthening and expanding the rule of law need to take precedence. Stricter law enforcement, more open government, and citizen involvement in supervision are all essential components of a well-reformed legal system and state administration. It is imperative that law enforcement authorities be empowered with the resources and authority to fulfill their responsibilities autonomously and efficiently.

Government systems, including presidential, parliamentary, or mixed systems, state institutions, including the judiciary, executive, and legislative branches, and public services, procedures, and policies are all part of the legal framework that is examined in constitutional law. The study of constitutional law also includes the study of legislation pertaining to free speech and association that account for the constitutionally given rights to free speech and association.

The fundamental legal concepts upon which the constitutional system is based are known as the fundamentals of constitutional law. The democratic principle mandates that all members of society have a say in political decision-making; the people-sovereignty principle positions the people as the ultimate arbiters of state power; the rule of law principle demands that all governmental actions adhere to the letter and spirit of the law; the principle of checks and balances mandates that the legislative, executive, and judicial branches maintain a fair distribution of authority; the principle of openness mandates that all public decision-making

procedures be transparent and accountable (Asep Bambang Hermanto & Bambang Slamet Riyadi, 2020).

The implementation of constitutional law reform in Indonesia faces a number of major challenges that require serious attention and handling to achieve optimal reform goals. The following are the main challenges and strategies to overcome them:

1. Corruption
 - a. Challenge: Corrupt practices are still rampant in various government institutions, damaging the foundations of the rule of law and democracy, and reducing public trust in the government.
 - b. Coping Strategies:
 - 1) Firm and consistent law enforcement against perpetrators of corruption.
 - 2) Strengthening law enforcement institutions such as the Corruption Eradication Commission (KPK) both in terms of authority and human resources.
 - 3) Implementation of a system of transparency and accountability in financial management and public administration.
2. Slow and Inefficient Bureaucracy
 - a. Challenge: Bureaucratic processes that are convoluted and less responsive to community needs hinder the implementation of reform policies and programs.
 - b. Coping Strategies:
 - 1) Continuing bureaucratic reform with a focus on increasing the efficiency and responsiveness of public services.
 - 2) Training and capacity building programs for bureaucratic officials to build a mentality that is adaptive to change and innovation.
 - 3) Expanding the use of information technology in administrative processes to speed up and simplify services to the public.
3. Lack of Legal Awareness and Community Participation
 - a. Challenge: Many people do not understand their rights and obligations as citizens, as well as their role in overseeing the implementation of reform.
 - b. Coping Strategies:
 - 1) Expanding legal education programs focused on empowering communities to better understand their rights and obligations.
 - 2) Strengthen mechanisms for public participation in the legislative process and supervision of the government to provide space for the community to oversee the implementation of reforms.

To get the best possible results from constitutional law change in Indonesia, the many and varied obstacles in the way must be addressed in a planned and long-term manner. The most significant obstacle is corruption, which has undermined public faith in government and weakened democratic principles. The current system of law enforcement is inadequate and requires improvement due to corruption in several government agencies. The only way to get beyond this is via strict and persistent enforcement of the law, particularly against corrupt officials. Additionally, it is crucial to enhance the Corruption Eradication Commission's (KPK) power and human resource capabilities in order to better enforce laws. Tighter accountability and transparency measures in public administration and financial management are also necessary to make sure that every move the government makes can be traced back.

One of the biggest problems with reform initiatives is the bureaucracy, which is both slow and ineffective. As a consequence of bureaucratic red tape, governmental services are unable to meet the requirements of the people. Public services must be made more efficient and responsive, which means bureaucratic reform must keep on. To foster an innovative and adaptable mindset among bureaucratic officials, training programs and capacity development are crucial. Also, for the bureaucracy to run more smoothly, there has to be an increase in the use of IT in administrative procedures to streamline and quicken public services.

Still another major obstacle to change is the general public's ignorance about the law and its implications. There is still a lot of confusion about people's responsibilities as citizens, their rights, and how to monitor the reform process. To get around this, more community-

based legal education initiatives that teach people about their rights and responsibilities are needed. To ensure that the government's policies accurately reflect the hopes and dreams of the people, it is crucial to enhance methods for public involvement in lawmaking and oversight of the executive branch. This will allow the community to keep an eye on how reforms are being put into place.

Taken together, these obstacles need a long-term investment from the whole country, including its institutions and citizens. To alter constitutional law and establish a government that is more democratic, open, and responsible, one must take reasonable and consistent measures. The public's faith in government and the justice system will be strengthened by this change, which will help enhance the legal system. Following the reformist spirit and the constitutional mandate, this is the best approach for Indonesia to move forward towards a future that is more equitable, rich, and dignified.

IV. CONCLUSION

This research highlights that despite significant amendments to the 1945 Constitution of the Unitary State of the Republic of Indonesia aimed at bolstering democratic principles and government accountability, considerable obstacles still impede their full realization. Key challenges include pervasive slow bureaucracy, a general lack of legal awareness among the populace, and ongoing issues with corruption. These hurdles significantly hinder the effective implementation of constitutional law reforms, undermining efforts to make the government more transparent, accountable, and responsive to its citizens. Addressing these issues is crucial for the reforms to achieve their intended goals of enhancing government openness and ensuring that justice and legal protection are accessible to all. To overcome these challenges, the study suggests the need for more stringent anti-corruption laws, a restructuring of government bureaucracies to enhance efficiency and responsiveness, broader access to legal education, and greater community involvement in monitoring and supervision efforts. Implementing these measures should significantly advance the effectiveness of constitutional law reforms in Indonesia.

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