

General Elections in Indonesia : Between Human Rights and Constitutional Rights

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Abstract. General elections are part of human rights. Also element of realizing the democratic ideals of the Indonesian people as mandated in the Opening of the 1945 Constitution of the Republic of Indonesia. This study aims to analyze the fundamental rights of citizens who have been guaranteed by the constitution or ordinary referred to as constitutional rights, especially in general elections. This study uses a doctrinal legal approach (normative). The primary legal material includes Law Number 12 of 2011 concerning the Establishment of Legislation, Law Number 39 of 1999 concerning Human Rights, Law Number 7 of 2017 concerning General Elections. Based on the analysis and discussion of the problem can be stated the results of this study, namely: First, the conception of state fulfillment of the constitutional rights of its citizens is the responsibility of the state, so that the neglect means denial of the constitution. Second, the relationship of political parties as a means of politics is the embodiment of fundamental rights based on the constitution, which are a part of human rights in general.

Keywords: Human right, constitutional rights, citizen, general election

1 Introduction

The constitution guarantees and secures people's constitutional rights protection. Article 28A to 28J of the 1945 Consitution provides protection, recognition, and respect towards the concept of human rights [1]. General election as political aspiration channel also functions to fulfil the constitutional rights [2].

The fundamental and repeating issue is that in several aspects the percentage of people's participation in the democratic general election is still low. The implementation of state protection towards the fulfilment of human rights and citizen's right (or the constitutional rights) is in the form of the general election [3]. Indonesia has just held a democratic general election at April 17, 2019 to chose five hundred seventy-seven members of the House of Representatives, one hundred and thirty-six members of the Regional Representative Council, and the members of Regional House of People's Representatives (both on provincial and regency/ municipality level) simultaneously throughout Indonesia for the period of 2019-2024. This general election is different from the previous because this time it co-occurred with the Indonesian Presidential election of 2019.

However, not all constitutional rights are identical to human rights [4]. Interest teams, non governmental organizations, major international organizations, and states all settle for that the "global human rights regime is a global law construct". whereas cultural, economic, structural,

political, and social aspects of rights are often acknowledged by the human rights community, the legal approach continues to be favored. If the human rights regime seems to fail in its purpose, the standard response is to clarify legal rules by drafting a lot of law of nations, instead of to question the efficaciousness of the dominant legal approach [5]. It can also be said that the UDHR made a significant contribution to international rights documents [6].

Unfortunately, the human rights definition does not cover some of the citizen's constitutional rights. For example, every citizen has the rights to become government employee or to hold a position in the governance; this right belongs to the citizen constitutional right but does not apply to those who are not the citizen of the state. Therefore, not all citizen's human rights are human rights; on the other hands, all human rights cover every citizen's rights.

Having been experiencing colonization by other countries has caused the Indonesian founding fathers realized the importance of anti-colonialism and anti-imperialism. Colonialism, imperialism and anti-imperialism are decisive in shaping some nation history for hundreds of years. Imperialism is outlined as the structural domination of peripheral countries and regions by core powers through completely different means that. Hence, anti-imperialism encompasses projects, actions and policies minded to revert domination and to create a 'balanced' relationship between countries and regions supported the promotion of sovereignty [7]. Indonesia has the Constitution Preamble as the fundamental norms (*Grundnorm*) that become the basis of a nation of laws (*rechtsstaat*) based on the recognition of human independence. Further, the constitution is an essential principle of human rights, let alone the state pledge for citizen protection which includes economic, social, and cultural rights as contained in the fourth paragraph.

Along with the statement that the country is participating in carrying out the world order based on independence, eternal peace, and social justice, the country also emphasizes its commitment towards universal humanity in its relation among nations. According to human rights theory, the rights are attached to and inseparable from men. Even though its presence is a reaction from threats towards humans, nevertheless, rights have emerged along with human existence.

A review of human rights has a universal area with a broader scope compared to constitutional rights. Constitutional rights have a domestic scope that prevails in positive laws within a country. The development of human rights on the international level has urged the encouragement on the recognition on the national level as constitutional rights.

Nevertheless, there is a dichotomy line in between these rights. There is a fundamental similarity between human rights and constitutional rights in terms of function, substance, and structure. The function is to limit the government authority and to protect the fundamental rights of every citizen [8]. Substantially, both rights accommodate the fundamental rights such as civil, political, economic, and social and cultural rights beside the protection towards the minority's rights and environment [9]. Besides that, both types of right has similar structure where there is a difference between derogable (limited fulfillment rights) and non-derogable rights (unlimited fulfillment rights). The embodiment of people's sovereignty in state life includes the people's representative or parliaments, and in the form of the constitution as the highest level of social agreement. Countries that embrace the parliament in the people's sovereignty resulted in the total adoption of parliament supremacy. The constitution in parliamentary countries is based on parliamentary law products (legislative act). While in the countries that embrace the constitution as the embodiment of people's sovereignty places the constitution as the highest law. As a consequence, the law that derives from the parliament cannot violate the constitution [10].

In the Indonesian system of representative democracy, the people's participation is reflected mainly through the general election to form the representative institution. This

representative mechanism is sufficient in guaranteeing the aspiration representation for the goodness of people. Therefore, in the representative system, the position and role of political parties are considered dominant.

Representative democracy is the paradigm we tend to go along with the shape of democracy that emerged within the eighteenth century at the time of the French and American revolutions. It are often outlined as a regime focused on the elections of elites who act as trustees of and create choices on behalf of the larger population. In theory, representation needn't involve election. In follow, however, elections became a part of the terribly definition of representative democracy, partially as a result of the theories developed to justify it crucially associate common sovereignty with democratic authorization, and democratic authorization, in turn, with consent expressed through the box [11].

Unfortunately, election as democracy representation is not always going well, some of them have constitutional issues. Australia as an example, the outcome of the 2016 double dissolution election was that the Coalition came to government with a reduced majority within the House of Representatives. Within the new House, 76 of the 150 elected members can begin their terms as members of the Coalition, that is adequate to present the re-elected Coalition government a slender working majority, whereas the Australian Labor Party (with 69 members) another time forms the opposition. As for the 76 freshly electoral senators, the Coalition government is confronted, like most federal governments since war II, with a Senate during which it doesn't have a transparent majority. Within the immediate aftermath of the double dissolution election, it's not entirely clear whether or not the changes to the Senate legal system achieved the specified hindrance of 'preference harvesting' by micro-parties. This uncertainty can stay till an in depth rigorous analysis of preference distribution is undertaken. However, a preliminary assessment is that these reforms were sure-fire in terms of dominant preference distributions therefore on guarantee votes were counted and distributed in a very manner that a lot of accurately mirrored 'the can of the people'. There are variety of constitutional problems that surround the new Parliament as elected at the 2016 election [12].

In *das sollen*, the government has a juridical warranty for carrying out the government system aiming at the people's prosperity. The state's warranty is in the form of seeking the fulfillment of constitutional rights for its citizens. The constitutional rights here include the principle rights and citizens' principle freedom concerning education, occupation, equality before the law, social economy, of speech, and living; these rights are all guaranteed by the constitution. In the constitution, these rights refer to human rights. The review attempt must be significant and simultaneously to consider the development of human lives that is getting more diverse. The Universal Declaration of Human Rights (UDHR) is the manifestation of the individual human's thought as a citizen and a part of the world inhabitant.

Further review of the constitutional rights warranty from the states indicates that this issue is significant in its norms implementation. In realizing the significant concept of constitutional rights in the general election and considering that Indonesia is a constitutional country, therefore, it is significant to have a study on 1) how Indonesia conduct law protection towards its citizens in relations with the general election, 2) what are Indonesia's preventive steps in providing law protection, 3) how sufficient is the law protection from the perspective of the Universal Declaration of Human Rights?

There are several previous studies on constitutional rights have been conducted. First, the Legal Protection of Disability in Fulfilling the Right to Education and Employment written by Jazim Hamidi. The study is about protection for people with disability in getting their right for education and occupation. This study discusses Indonesia's attempt as a country of law to

protect people with disabilities as a part of their constitutional rights which is regulated in Article 28 verse (2) of the Indonesia Constitution of 1945. This study also discusses the law protection in the attempt to fulfill the rights of education and occupation for people with disability. Further, this study also focusing on the policy formulation of affirmative action for people with disability to access jobs throughout Indonesia in specific.

The second, it is an article entitled the constitution's perspection on the empowerment and warranty of women's rights by Dedy Sumanto et.all. This article is about the citizens' constitutional rights, both men and women, which are assured by the state. Therefore, the empowerment and assurance must be in accordance with the commitment of getting equal opportunity to make choices by rejecting assumption and thoughts about women's inferiority and eliminating inequality based on gender that prevail in law.

The third study written by R. Herlambang Perdana Wiratraman entitled Constitutional Rights of Citizens after the amandement of 1945 Constitution: a concept, management and dynamic of implementation. This study discusses that the human rights context has a higher level in ordinary law norms; therefore, the normative framework and its constitutional rights' concept also focusing on human rights themselves.

Based on the previous studies, currently, there is not any study that is focusing on how Indonesia conceptualize the constitutional rights in their relationship with the general election, also what are the steps taken by the government to implement it.

2 Method

This study is conducted based on law products by using the normative law approach. The analysis of this study uses the normative analysis by reviewing the change in the 1945 Constitution as the result of the main amendment in relationship with the wider-spread recognition and assurance of human rights in the government system. This study aims at finding out how Indonesia provides law protection as the implementation of constitutional rights as assured by the Republic Indonesia's 1945 Constitution as a part of human rights quality enforcement. This study is descriptive. Which requires a statute approach in answering the statement of the problems [13]. According to the source, the data is in the form of secondary which includes legislation, books, articles, scientific journals, and dictionary. Nevertheless, to achieve a more comprehensive result, this study also uses primary, secondary, and tertiary law products. The primary law products in this study are Law number 12, 2011 on formation of Law Regulation, Law number 39, 1999 on Human Rights, and Law number 7, 2017 on General Election.

3 Result and Discussion

3.1 State and Citizens' Constitutional Rights

Indonesia has been struggling with human rights since the formulation of the 1945 Constitution by the Investigating Committee for Preparatory Work for Independence. The initial thoughts and debate on the formulation of the 1945 Constitution in the Investigating Committee for Preparatory Work for Independence, which refused to include a more dominant idea of human rights in the constitution. Nevertheless, due to the persistent of Mohammad Hatta and

Yamin, the constitution finally included several articles on human rights; the articles of which included the right to religious freedom, the right of assembly and association, the right of expression of opinion in the form of written and spoken, and several others. Further, the human rights are closely related and become the principle of the entire movement for the struggle for Indonesia's independence. The *primus inter pares* of human rights is the dignity of man has appeared dominantly during the formulation of the Universal Declaration of Human Rights in 1948 [14].

The English word dignity has the closest meaning to the Indonesian word, *martabat*. Dignity is attached to one's self. Therefore, all convention and/ or international covenant along with the protocols include all human rights which to protect, respect or level up human dignity. Humans' status dignity and inherent dignity are brought along in debates concerning human rights. Human rights are usually outlined as standards of treatment that human beings command by virtue of their inherent dignity [15].

As human rights are attached to one's self, it is different from the meaning of the citizen's rights. Nevertheless, since the 1945 Constitution includes the human rights; therefore, it has legally become the citizen's constitutional rights as well. However, not all constitutional rights are identical to human rights. Constitutional rights are rights defined and presented by constitutional law. A right could be an advanced of elements: legal liberties, claims, powers and immunities. a true right, if respected, provides dominion, freedom and management, over some core legal position upon the right-holder in any confrontation with one or additional second parties. The foremost basic constitutional rights are the power rights of the governing public officials and institutions, however they need constitutional liberty-rights, claim-rights and immunity-rights furthermore. Alternative constitutional rights are those of personal people and associations of private individual [16]. Some constitutional rights do not belong to the definition of human rights. For example, every citizen deserve the right to become a functionary in the governance. This right belongs to all citizens but does not apply to those of non-citizens. Therefore, not all citizen's rights belong to the human right; on the contrary, every human right is undoubtedly a part of citizen's rights" [17].

The concept of nation of law has developed in the initial part of 20th century. The development is marked by the emergence of modern welfare state. The idea of "The Welfare State", that appeared within the 1940's, is mostly accepted as a wider definition of the role of the State within the field of social and policy. Most scholars of the topic, whether on the right or left politically, take it to mean an additional positive and purposeful commitment by the government [18]. At first, it was the country that acted as the night guard and security enforcement, but gradually the function shifted to the fact that the state also took roles in the citizen's activity to ensure their prosperity. Almost all nations have their constitution which regulates not only the structure, function, and the country's division of functionary, but also the relationship among all the elements. The modern constitution does not limit its scope to the mentioned scope only. The modern constitution contains principle rights and freedom of people from the state and its functionary. The idea of nation of law is the thoughts extension on authority limitation as one of the principles of democratic-constitutionalism. The core of thought on the nation of law is the limitation of authority through juridical rule, namely regulation [19].

Human rights makes the state becomes its main subject. The definition of the state remains still and identical with various international law products, and have particular characteristics such as permanent population, and territory, governance and the ability to engage with other countries.

The country as the main subject of law is because it is the primary entity responsible for protecting, prevailing, and improving the human rights, especially for its citizen. Before it, citizen has become attention-grabbing topic and divided into some categories. Cosmopolitan

global citizenship is split into four categories: political global citizenship, that focuses on the dynamic relations between states and people or different polities; moral global citizenship, that focuses on ideas similar to human rights and empathy; economic global citizenship, that focuses on power relations, types of capital, the workforce, and international development; and cultural world citizenship, that emphasizes symbols and cultural structures that divide or unite members of various societies and considers the globalization of different cultural forms [20]. We compare it to the Korean constitution. the structure of the Constitution in terms of the two pillars of constitutionalism namely democracy and the protection of human rights. has also become a prominent issue in Korea [21].

The emerging issue is that the state violates the human rights, both direct violation of the citizens and other country's citizens, and indirect violation through economic and political policies national-wide and international-wide. Further impact results in the inability to fulfill, even to apply human rights for its citizens and non-citizens.

In the international law system, the common practice where a country is considered as a violation of human rights (also known as a gross violation of human rights) is under the following conditions. First, the state does not protect the human rights; instead, it attempts to eliminate its citizens' human rights, namely derogable rights. Second, if the state allows or even commits an international crime or a serious ones such as genocide, war crimes, and crimes against humanity, and what is worse, the state does not make any efforts to hold them accountable for it.

In Indonesia, after the amendment, the 1945 Constitution regulates more clearly about the state's obligations towards human rights and freedom of religious belief. Article 281 (4) of the 1945 Constitution and its amendment regulate that the state holds responsibility on the protection, promotion, enforcement, and fulfillment of human rights. This article becomes the commitment for Indonesia towards human rights and the origin of the government's responsibility.

Furthermore, article 281 (5) of the 1945 Constitution and its amendment declare its commitment to uphold and protect the human rights under the democratic principle of the state of the law; therefore, the implementation is guaranteed, regulated, and outlined in laws and regulation. Indonesia is a state of law which means the country runs based on law.

A further outline is in Law number 39, 1999. Article 71 of this Law confirms that the government is obliged and responsible for respecting, protecting, upholding, and improving the human rights stated in this law, other regulation, and international law on human rights affirmed by the Republic of Indonesia. Article 72 of Law number 39, 1999 then details the government's obligation and responsibility as regulated in Article 71 which includes the effective implementation steps in law, politic, social, culture, defense and security, and other field.

3.2 Political Parties in Fulfilling the Principle Rights of Constitution

The functions of political parties in Indonesia are firmly attached to a theory by Miriam Budiarjo, which states that political parties are a mean of political communication, socialization, recruitment, and conflict management [22]. According to *Yves Meny dan Andrew Knapp*, the functions of political parties include (i) mobilization and integration, (ii) as a mean of influence formation towards voting patterns, (iii) political recruitment facility, and (iv) as a means of elaborating policy choices.

Another opinion states that political parties are one of the embodiments of the freedom of association and requirement for the functioning of democracy. The freedom of association derives from the divine tendency of humans as social creature and to engage in an organization,

both formal and informal, which is necessary for humans. The societal tendency is an organizational life to fulfill the need and similar interests from people to achieve common goals based on similarity in thoughts and conscience [23].

The embodying of people's sovereignty in a democratic system must ensure full involvement of the people to plan, organize, implement, and supervise and make an evaluation in implementing the authority functions of a state. In Indonesia, the representative system as the form of modern democracy has three types, namely parliamentary democracy, power separation democracy, and democracy that is controlled directly by people through referendum and initiatives [24].

The impact of parliamentary democracy is the distance between people and government related to the implementation of the functions. If this practice is without any assurance of people's participation in the state as the warrant of people sovereignty, there will be pseudo-pragmatism of people sovereignty. The most proper step to counter this situation is by forming instruments to channel people and their representatives in parliament and public functionary. These instruments are essential, considering that democratic governance requires a mechanism and representative institution of the will of people. Else, the representative system may change into manipulation and coercion by the authority.

Following the people's sovereignty in the 1945 Constitution, people have the authority to determine the pattern and ways of governance. The sovereignty is under the Constitution regulation, which is by state institutions and by the people, several of which are through general election mechanism as in Article 22E of the 1945 Constitution. The general election also is a mechanism to channel the political infrastructure and suprastructure. The general election also is a transformation mechanism of the party's political aspiration in becoming the state's policy. In practice, in a country with a small number of inhabitants and small regions, the people's sovereignty is difficult to run effectively and thoroughly. Further, in a county with a large number of inhabitants and a vast region, it is almost impossible to accommodate people's opinion one by one to determine the governance. Moreover, in the modern society today, the development level is complex and dynamic, along with the unequal level of people's intelligence and a wide variety of specialization among work sectors.

The expansion of human rights warrant through articles in the 1945 Constitution is progress in building the foundation of the state of law to strengthen the contract between the people and the ruling government in the spirit of Indonesian constitutionalism. The spirit of Indonesian constitutionalism must put forward two directions of political building of constitutional law, namely, first, the limitation of power to avoid arbitrariness of authority, and secondly, the warrant of respect, protection, and fulfillment of human rights. The advance of articles on human rights in the constitution is a global tendency in various countries on the recognition of the universalities of human rights. Gradually the recognition will strengthen the state's capacity in encouraging civilization on human dignity [25].

For a significant meaning to the country, the constitution must have functions; therefore, there is gap between the written regulation in the 1945 Constitution and the practice in reality [26]. The first practice that put the sovereignty in the hand of people by the People's Consultative Assembly has now changed under the 1945 Constitution [27].

A more principle change through the amendment of the 1945 Constitution occurred by changing the state's of law conception become more open and exclude foreign term (*rechtsstaat*) or the rule of law. The division of judicial power into two, namely the Supreme Court (MA) and the Constitutional Court (MK), is now completed with the Judicial Commission (KY), whose duty is related to judicial power [28].

There are two versions of a dynamic developing state of law, namely formal and substantive. According to Tamaha in Hamdan Zoelva (2012), formal version of state of law refers to the method where the authority issues the laws, the clarity of the norms and temporal dimension of the enactment of the norms. Formal conception does not relate to good laws or bad law; instead, it emphasizes the formal dimension of laws. The formal version derives from rule by law conception, where laws becomes the acting instrument of the government. Further, it develops into formal legality, which means the law is the clear, prospective, and absolute norm, which eventually becomes democracy and legality in which the agreement that determines the highest legal content or law [29].

Every state of law confirms the above as norms and constitution. The highest law is the constitution itself; the constitution in Indonesia is in the form of philosophical values based on Pancasila and the 1945 Constitution [30]. The state of the law is a reflection of government action, which shows that the country is subject to the norms in the constitution [31].

The constitution is a set of systematic rules to regulate and arrange the structure and function of governmental institutions. The rules discuss the authority and its limitation of the institutions within the constitution. In the practice of state administration and rules of constitutional law, the focus of the study is only on the matter of the constitution, both in terms of the substantive meaning as legal provision and formal meaning as statutory formulation, as mentioned in articles of constitutional documentation.

The constitution is a juridical implementation that does not represent its cultural meaning [32]. Constitutionalism first emerged in the 18-19 centuries to affirm the American doctrine of the Supremacy of Constitution (written constitution) of the legislation product. Nevertheless, the idea and practice in the modern life have existed in poleis of Western Europe in the 11th and 12th centuries.

During the mentioned era, the law prevailed in local urban areas (state life was developing in the national space), a various constitution was partly in the written form which was known as chartulary, charta, or charter, and some other parts were in another form of written documents. The constitutional idea admitted the government authority such as in the form of tax collection, money-making, armies forming, peace agreement making, and war declaring to the other polis. On the other hand, the authority also limits the citizens' constitutional rights such as the people's freedom and also in terms of fair dan just judicial process. The basic of constitutionalism as the one that emerged in Western Europe consists of two, first is the law concept is affected by the Anglo Saxon legal system, known as rule of the law, that states that the legal authority controls the state power; therefore, the law is controlling the politic, not vice versa. Second, the citizens' civil rights state that the constitution guarantees the citizens' freedom and limits the state power and its legitimation.

Furthermore, in the second half of the 20th century, the German Federal Constitutional Court provided guidance regarding constitutional rights. That the granting of constitutional rights does not mean that these rights override legislative rights [33]. The human rights will become the constitutional rights due to its higher status in general law norm hierarchy, especially in the constitution [34]. In general, the normative framework and constitutional rights conception are similar to human rights. In the context of the simultaneous general election last July 2019, there were opportunities and challenges because the legislative election started first before the presidential election [35]. The situation is contradictive, because on one side, we initiated the strengthening of the presidential system, yet the system requires only political parties and joint parties that met the quorum deserved to propose their candidate of the president and the vice president. Different from the previous presidential election in 2009 and 2014, only political parties that achieved at least 20% of votes that could propose their candidates. The

requirement indicates that the legislative and presidential election are not yet strengthening the presidential system. The aim is to fill in the seats at the existing legislative institutions. While the presidential election seems to stand alone apart from the legislative election edespite its purpose is to fulfill the performance requirement of the mentioned system. Therefore, the choice is to make a mix coalition that eventually threatens the electability of the parties themselves [36].

Nowdays, Turkey began to think about a presidential system. This is unique because they have to considered many systems and choose presidential as consideration. The presidential system is expected to provide an additional democratic government. Three main arguments are typically shown to prove the claim that the presidential system is more democratic. The direct, and widespread characteristics of the electoral system are believed to form democratic governance. It's wide accepted that direct elections are much better than the appointment of an executive branch by parliament. Second, from a responsibility perspective, a presidential system is believed to be better than parliamentary system. It is aforementioned that because the president includes a single power, it is easier for residents to spot who is responsible if something goes wrong. Third, the presidential system is better than parliamentary system. this implies that voters recognize who they are selection for, and who are going to be the executive when winning the election. Conversely, in a parliamentary system, changing into prime minister and therefore the method of forming a coalition is not continually predictable [37].

The presidential system in Indonesia, ideally, provides broad authority to the president to conduct his executive duties. Other authority can give a particular limitation to the president's power by the constitutional reasons [38]. Based on the last simultaneous general election, it requires solutive policies by optimizing the formulation of the general election without ignoring the presidential system strengthening. From the technical point of view, it needs to avoid more victims of KPPS officials who guarded the C1 ballots, which took a significant of time, which made the public become bored and initiated friction among society [39].

The turning point for the simultaneous general election in 2019 was the Constitutional Court Decision Number 14 / PUU-XI / 2013 concerning the Judicial Review of Law Number 42 Year 2008 concerning the Election of the President and Vice President [40]. Under certain conditions a consensus is needed which aims to create stability and justice between citizens and the state. so that it is not divided by religious or moral issues [41].

The legislative election system in general elections consists of three principle (1) a majoritarian system. The majoritarian system is a system that provides a single seat or single constituency in the electoral district, and depends on the acquisition of the most votes; (2) the proportional system, which is the opposite of the majoritarian system. Each electoral district is available with many seats with proportional party seat acquisition with the highest number of votes; and (3) the semi-proportional system is a combination of the two systems above. While on the presidential and vice-presidential election, there are two methods applied, namely popularly elected where the candidate with the highest votes wins, and electoral college, where the elected candidates are from the portion of the vote at provincial or regency/municipal of Regional House of People's Representative; the votes of which must exceed the 50% of minimum vote..In the popularly elected, the candidate with the highest vote wins the election, while on the electoral, only the candidate with minimum a 50% vote wins the election.

4 Conclusion

Review and study on constitution give fundamental principles of state life and administration, as well as the organizational structure of a particular country. Further, the constitutional values can represent a country's civilization level. Constitution has a significant role in the state life. The definition and content of the constitution have developed following the human civilization and the state's organization. According to the state's law principle, it is the law that regulates the state instead of humankind. Law is a hierarchical unit of a set of law norms with the constitution as its highest foundation, which means that a state of law wishes to have constitutional supremacy. As the highest implementation of the social agreement, the constitutional supremacy is the consequence of a state of law and the implementation of democracy itself. Therefore, the principles of constitutional regulation must become the foundation of laws that regulate the state administration's life and its citizens. Consequently, the fundamental change of the 1945 Constitution has a significant effect on the existing law system and regulation. The change on the 1945 Constitution has a particular implication in the type of regulation and its content. The change in the 1945 Constitution aims at the changing of law regulation system and adjustment of the existing regulations' content.

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