



## Indonesia's Constitutional Transformation: A Critical Analysis of the Amendments to the 1945 Constitution from a Modern Constitutional Perspective

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### Abstract

This research aims to analyze Indonesia's constitutional transformation after the amendments to the 1945 Constitution, with a focus on significant changes in the constitutional system and their impact on democracy. Although the amendment aims to strengthen the system of checks and balances and encourage more democratic governance, its practice shows a mismatch between constitutional theory and implementation on the ground. This research uses a qualitative approach with document analysis and interviews, as well as analyzing data using software to identify patterns in legal documents and the views of constitutional experts. The research results show that although the amendment strengthens the position of the legislature, the concentration of power in the executive and inequality in the distribution of power between the center and the regions remain the main challenges. The implication of these findings is the need for further efforts to increase the effectiveness of the system of checks and balances and decentralization of power. This research's recommendations include strengthening the role of the legislature and improving the decentralization system to create a fairer and more responsive government.

**Keywords:** *Amendment to the 1945 Constitution, Checks and Balances, Constitutional System, Constitutional Transformation, Decentralization.*

### PRELIMINARY

Since the beginning of independence, the 1945 Constitution of the Republic of Indonesia (UUD 1945) has been the main foundation for organizing national and state life. However, the constitution was originally drafted in the context of a post-proclamation emergency, without adequate checks and balances, and granted enormous power to the executive, particularly the President (Asshiddiqie, 2006; Astarita, et.al., 2024). This situation prompted constitutional criticism throughout the New Order, culminating in demands for reform after 1998. In the spirit of democratization, Indonesia then amended the 1945 Constitution four times between 1999 and 2002. These amendments were not only procedural, but also touched on substantial aspects of the state system, such as limiting the President's power, strengthening representative institutions, and guaranteeing human rights (Butt & Lindsey, 2012).

This constitutional transformation marks a paradigm shift from an authoritarian system of government to a more democratic and accountable form of governance. However, a fundamental question arises: to what extent have the changes in the constitutional text truly impacted Indonesian state governance practices? Has the transformation succeeded in internalizing the values of modern constitutionalism, or has it instead created new complexities in institutional implementation? These questions are relevant to examine in the context of contemporary political dynamics, where constitutional power often experiences a tug-of-war between legal idealism and political reality (Lev, 2001; Tushnet, 2009). Thus, an analysis of the amendments to the 1945 Constitution is important not only as a

retrospective study, but also as an evaluative instrument for the future direction of Indonesian legal and institutional reform.

Although the amendments to the 1945 Constitution have brought significant changes to the structure and function of state institutions, a number of fundamental issues remain unresolved. One key issue is the inconsistency between the amended constitutional norms and current political and state practices. For example, although the presidential system was more firmly established through the amendments, the relationship between the legislature and the executive branch still exhibits characteristics of a pseudo-parliamentary system, such as the dominance of political parties in presidential nomination and oversight (Assingkily, 2021; Mietzner, 2013). Furthermore, the establishment of new state institutions such as the Constitutional Court and the Judicial Commission has enriched the state's institutional architecture, but in practice, they have not been fully effective in carrying out their idealized checks and balances function (Crouch, 2010).

This discrepancy raises questions about the effectiveness of constitutional transformation in creating a democratic, accountable, and stable state system. In this context, it is important to question whether the changes in the text of the 1945 Constitution after the amendment truly reflect a substantive transformation in the practice of state administration, or whether they are merely cosmetic changes that fail to address the root of the problem of power governance. This issue becomes increasingly important given the dynamics of contemporary politics, which often create tension between constitutional supremacy and short-term political interests (Horowitz, 2013). Therefore, a critical examination of the post-amendment implementation is relevant to understanding the extent to which the revised constitution is able to guarantee the basic principles of constitutionalism in the context of modern Indonesian governance.

Constitutional transformation through amendments to the 1945 Constitution has become an important foundation for realizing a more democratic state system in Indonesia. However, these structural changes require a more in-depth study of the extent to which these amendments have substantive impacts on democratic principles, the distribution of power, and the rule of law in state practice. Therefore, this study aims to conduct a critical analysis of the results of the amendments to the 1945 Constitution, by systematically examining their impact on Indonesia's state architecture, particularly in terms of the effectiveness of the presidential system, the functioning of checks and balances institutions, and the fulfillment of the principles of modern constitutionalism (Horowitz, 2006; Tushnet, 2009).

This study also aims to evaluate the alignment between the amended constitutional norms and their actual implementation in the political and institutional realms. This analysis is expected to identify whether the amendments have successfully addressed fundamental issues within the Indonesian government system or have instead created new complexities that impact the stability and legitimacy of state institutions. Through a multidisciplinary approach and normative reflection, this study contributes to strengthening academic discourse on constitutional reform in developing countries and provides a conceptual foundation for the formation of a more adaptive and responsive constitutional system to the challenges of contemporary democracy (Ginsburg, 2012; Levitsky & Ziblatt, 2018).

The study of the amendments to the 1945 Constitution of the Republic of Indonesia has attracted the attention of many academics, particularly in the context of the shift in the constitutional system from authoritarianism to democracy. Various studies have discussed post-reform structural changes, such as the strengthening of legislative institutions, the establishment of new judicial institutions, and the protection of human rights (Butt & Lindsey, 2012; Crouch, 2010). However, most studies tend to focus on normative analysis of the constitutional text, while studies that systematically explore the relationship between constitutional changes and the dynamics of constitutional practice are still limited. This gap raises fundamental questions about the effectiveness of the amendments in internalizing the principles of constitutionalism in national life.

Furthermore, few studies have placed the amendments to the 1945 Constitution within a comparative analysis and critical reflection framework on modern constitutional design in other democracies. The lack of an interdisciplinary approach and the limited use of contemporary analytical methods have resulted in an under-exploration of the complexities and long-term consequences of Indonesia's constitutional transformation (Ginsburg & Simpser, 2014). Therefore, this study seeks to fill this gap by presenting an analysis that not only maps the impact of the amendments on institutional

structures but also evaluates the coherence between Indonesian constitutional norms and practices within the context of global democratic dynamics.

This research makes a significant contribution to the study of constitutionalism by in-depth examining the transformations that occurred after the amendments to the 1945 Constitution, both in theory and in the practice of Indonesian constitutional law. One of the main contributions of this research is highlighting the relationship between changes in the constitutional text and their impact on strengthening democracy and the distribution of power in Indonesia. While many previous studies have discussed the amendments in a normative context, this research adds a new dimension by critically and comprehensively analyzing the implementation of constitutional changes in political and institutional practice (Ginsburg & Simpser, 2014; Tushnet, 2009). Thus, this research fills a gap in the Indonesian constitutional literature that has not yet explored the gap between normative changes and post-amendment political realities.

Furthermore, this study integrates modern constitutional theory with empirical analysis of governance practices in Indonesia, a step that provides a new perspective for constitutional research in developing countries. With a comparative analysis approach and critical reflection on the constitutional models of contemporary democracies, this study enriches the global discourse on constitutionalism and democracy, particularly in the context of countries undergoing a post-authoritarian democratization process (Tushnet, 2009). Through this study, it is hoped that useful recommendations can be found for improving Indonesia's constitutional design to ensure that the reformed constitution is truly effective in realizing the goals of democracy and clean and accountable governance.

## METHOD

This research employs a qualitative approach with a case study design. This type of research was chosen to allow researchers to explore the phenomenon of constitutional transformation in Indonesia in depth, particularly after the amendments to the 1945 Constitution. This approach allows the research to uncover the complexity and dynamics of changes occurring within the Indonesian constitutional order, as well as how these changes are implemented in the practice of government and political life in Indonesia.

This research was conducted in Kendari City, Southeast Sulawesi, which has significant relevance in the context of the application of constitutional values in state administration practices at the regional level. Kendari City was chosen as the research location due to its status as the provincial capital, which serves as the center of political decision-making in the region, as well as its social and political diversity, which can provide insight into the impact of the amendments to the 1945 Constitution on the structure and function of local government. Observing changes in state administration policies post-amendment can provide a better understanding of how the principles contained in the 1945 Constitution are translated in the context of local government.

The research informants consisted of key figures with a deep understanding of the 1945 Constitution amendment process and its implementation in constitutional policy at the central and regional levels. Key informants included members of the regional legislature, regional government officials, academics specializing in constitutional studies, and legal practitioners with direct experience in implementing constitutional policy. Informants were selected purposively, considering their strategic roles in constitutional policy and their understanding of the process and impact of the 1945 Constitution amendments.

This study involved 10 informants, consisting of 5 local government officials, 3 academics, and 2 legal practitioners. This selection aimed to ensure diverse perspectives in understanding the implications of the amendments for local and national governance.

### *Data collection technique*

Data collection was conducted through three main techniques: in-depth interviews, documentation studies, and observation (Assingily, 2021). In-depth interviews were used to explore informants' understanding of the amendments to the 1945 Constitution, both from a normative perspective and from an applicative perspective within the context of modern state administration. This technique provided a space for informants to express their views openly, allowing for more in-depth and

contextual information regarding the impact of the amendments on the Indonesian system of government.

The documentation study was conducted by analyzing relevant documents, including the text of the amendments to the 1945 Constitution, government policy reports, and documents related to the implementation of post-amendment state policy. This documentation serves to provide a more comprehensive picture of how the amendments were implemented in government policy.

Observations were conducted in the context of policy meetings and discussion forums addressing state administration issues at the local level. These observations aimed to document the implementation of policies based on amendments to the 1945 Constitution and to understand the dynamics of the relationship between state institutions, political parties, and the public.

### ***Data Analysis Techniques***

Data analysis was conducted using software that allows for systematic and structured data coding. The analysis process began with transcription of interviews and observations, followed by open coding to identify relevant units of meaning. Next, axial coding was used to group interrelated themes, and finally, selective coding was used to formulate key patterns explaining the relationship between the amendments to the 1945 Constitution and changes in Indonesian governance. This software allows for more efficient and transparent analysis, making it easier for researchers to trace relationships between themes and deepen the analysis of the collected data.

### ***Data Validity Test***

To ensure data validity and reliability, this study employed triangulation, member checking, and audit trail techniques. Triangulation was conducted by comparing data from various sources, such as interviews with government officials, academics, and legal practitioners, as well as data from documentation and observational studies. Member checking was conducted by confirming the interview results with informants to ensure that the researcher's interpretations align with their understanding. Finally, an audit trail was used to document the entire research process, from data collection to analysis, allowing for verification and transparency at every stage of the research.

By implementing these steps, this research can be assured of high credibility and reliable findings. Through this approach, it is hoped that this research can make a significant contribution to understanding the impact of the amendments to the 1945 Constitution on the development of Indonesian state administration.

## **FINDINGS AND DISCUSSION**

In a critical analysis of the 1945 Constitutional Amendments, this study uses a modern constitutional theory approach to assess the transformations that have occurred in the Indonesian government system. The analysis reveals that the amendments made since 1999 have brought significant changes to Indonesia's constitutional structure, particularly in terms of the distribution of power among state institutions. One key finding is that the 1945 Constitutional Amendments strengthened the legislature and encouraged a transformation in the system of checks and balances, where the executive branch no longer dominated as before. The increased role of the House of Representatives (DPR) and the People's Consultative Assembly (MPR) after the amendments indicates that Indonesia is moving toward a more democratic and participatory system of government, although challenges remain in implementing this balance of power in practice.

However, while these amendments brought about improvements in constitutional practice, there was a mismatch between the expected constitutional theory and actual practice. One issue that emerged was the strengthening of the president's position after the amendments, which tended to exacerbate the concentration of power despite a constitutional reduction in such power. For example, although the amendments promised a more decentralized government, many policies remained centralized and controlled solely by the central government. This indicates a mismatch between the amendments' stated goal of creating a more democratic government and the current political dynamics in Indonesia.

Table 1. Key Findings of Indonesia’s Constitutional Transformation after the 1945 Amendments

| No. | Research Focus  | Findings   | Implications  |
|-----|---|--|---|
| 1.  | Distribution of Power among State Institutions        | The amendments strengthened the legislative branch (DPR and MPR), reducing the dominance of the executive power that prevailed before reform.    | Created a more democratic structure; however, practical dominance of the executive still persists.  |
| 2.  | System of Checks and Balances                         | Theoretically improved after the amendment, but in practice, imbalances remain due to political influence and weak institutional accountability. | The balance of power is still fragile, requiring institutional reform and stronger oversight mechanisms                                     |
| 3.  | Decentralization of Government                        | Despite constitutional guarantees of decentralization, many policies remain centralized under the national government.                           | Indicates inconsistency between the constitutional text and policy implementation, limiting local autonomy.                                 |
| 4.  | Democratization and Political Participation           | Amendments introduced broader citizen rights and political freedoms; however, participation remains unequal, with elite domination persisting.   | The expected inclusive democracy has not fully materialized; civic education and political literacy need strengthening.                     |
| 5.  | Implementation of Modern Constitutionalism Principles | The constitutional text aligns with modern governance principles—transparency, accountability, human rights—but practice often diverges.         | Highlights the gap between normative constitutional ideals and political realities, requiring improved legal culture and governance ethics. |

From a theoretical perspective, the amendments to the 1945 Constitution have made a significant contribution to enriching the understanding of modern constitutionalism, emphasizing the importance of separation of powers, transparency, and government accountability. However, research also shows that despite Indonesia's efforts to adopt modern constitutional principles, many parts of the 1945 Constitution have not been fully translated into practices that reflect true democracy. For example, although changes in the executive and legislative structures have given parliament greater scope to play a role in state policy, in reality, the legislative process remains hampered by certain political interests that slow down the decision-making process. In this regard, although in theory the amendments have introduced modern constitutional principles, in practice, strong political influence within parliament remains an obstacle to achieving ideal governance.

Furthermore, the results of this study also reveal the importance of the amendments to the 1945 Constitution in introducing major changes in Indonesia's socio-political landscape. At the social level, these amendments are expected to create a more engaged society in the political process, by guaranteeing basic citizen rights, including the right to vote and be elected, and the right to freedom of expression. However, the analysis shows that although these amendments normatively provide greater space for political participation, the implementation of these principles in practice still faces serious obstacles. One of these is the ongoing inequality of access between the political elite and the wider community, especially marginalized groups who have not yet fully felt the positive impact of these changes.

Overall, the results of this analysis indicate that although the amendments to the 1945 Constitution have brought Indonesia in a better direction in terms of decentralization of power and strengthening of state institutions, there are still a number of challenges that must be faced in implementing the principles of modern state administration. One major challenge is the inability of state institutions to function optimally in safeguarding democracy and preventing the accumulation of power that could undermine the principle of checks and balances envisioned by the 1945 Constitution. Thus, although these amendments have brought positive changes, many aspects need to be improved so that the constitutional objectives of the amendments can be fully realized in the practice of Indonesian state administration.

Theoretically, this study suggests that legal researchers and practitioners continue to monitor the dynamics of the post-amendment development of the Indonesian constitution. The results of this study significantly contribute to the development of constitutional theory, particularly in the context of countries transitioning to more mature democracies. Practically, this study also provides useful insights for policymakers in understanding the importance of transparent and accountable governance and the need for improvements in a more inclusive legislative process. These findings also pave the way for further research on the relationship between constitutions and democratic practices in countries with developing constitutional systems.

Thus, although the amendments to the 1945 Constitution have initiated a major transformation in Indonesia's constitutional system, significant challenges remain in its implementation. Therefore, further research is needed to explore how this constitutional system can better adapt to the development of global democracy and the ever-changing social, political, and economic challenges in Indonesia. In conclusion, the findings of this study not only contribute to our understanding of Indonesian constitutional law but also provide guidance for improvements in governance practices toward a more democratic and just society.

## CONCLUSION

This study reveals that the amendments to the 1945 Constitution have triggered major transformations in the Indonesian state administration, particularly in the distribution of power among state institutions. The study's main findings indicate that through the amendments, the legislative position has been strengthened by providing greater space for the House of Representatives (DPR) in the policy-making process, while the role of the People's Consultative Assembly (MPR), the highest state institution, which was previously very dominant, has now been reduced. Although the amendments aim to realize a more democratic and decentralized government, the reality on the ground shows a mismatch between the expected theory and its practical implementation. The concentration of power in the executive and the imbalance in the distribution of power between the central and regional governments remain major challenges for the Indonesian state administration system.

The implication of these findings is that while the amendments have brought some improvements in terms of more transparent and accountable governance, a significant gap remains between the goals of constitutional reform and the prevailing socio-political reality. The anticipated democratization has not been fully achieved due to the continued dominance of political influence in decision-making in the legislative and executive branches. This mismatch between theory and practice impacts the effectiveness of the system of checks and balances that underpins democratic governance. In other words, although Indonesia has theoretically adopted the principles of modern constitutionalism, in practice, some fundamental principles, such as the equal distribution of power and a more active role for the people in the political process, have not been fully realized.

Based on these findings and implications, this study recommends that constitutional reform efforts in Indonesia pay greater attention to the real balance of power between state institutions. In the long term, a more effective system of checks and balances is needed by placing tighter controls on executive power. Furthermore, improvements in the legislative process are necessary to ensure that the resulting policies truly reflect the public interest, not just those of certain political groups. At the social level, strengthening constitutional education and political literacy among the public is also crucial to fostering more inclusive and equitable political participation. This study also suggests further research on the impact of the amendments on the distribution of regional power, as well as how decentralization policies can be implemented more effectively to create a more responsive and equitable government throughout Indonesia.

## REFERENCES

- Asshiddiqie, J. (2006). *Konstitusi dan Konstitusionalisme Indonesia*. Jakarta: Konstitusi Press.
- Assingkily, M. S. (2021). *Metode Penelitian Pendidikan: Panduan Menulis Artikel Ilmiah dan Tugas Akhir*. Yogyakarta: K-Media.
- Assingkily, M. S. (2021). *Pembelajaran PKn MI: Tinjauan Konsep dan Konteks Kurikulum Kampus Merdeka*. Medan: CV. Pusdikra Mitra Jaya.
- Astarita, C., Helfina, S., Mirwan, M., Umaternate, F., & Assingkily, M. S. (2024). Pancasila Sebagai Filsafat: Tinjauan Analisis Pemahaman dan Sikap Mahasiswa. *Fatih: Journal of Contemporary Research*, 01, 86–93. <https://ziaresearch.or.id/index.php/fatih>.
- Butt, S., & Lindsey, T. (2012). *The Constitution of Indonesia: A Contextual Analysis*. Oxford: Hart Publishing.
- Crouch, H. (2010). *Political Reform in Indonesia after Soeharto*. Singapore: ISEAS Publishing.
- Creswell, J. W., & Poth, C. N. (2018). *Qualitative Inquiry and Research Design: Choosing Among Five Approaches* (4th ed.). Sage Publications.
- Chandra, R. & Wijayanti, T. (2019). "Politics and Constitutional Amendments in Indonesia". *The International Journal of Politics and Governance*.
- Fauzi, A. (2020). "Indonesia's Constitutional Change and its Challenges". *Journal of Southeast Asian Studies*.
- Ginsburg, T., & Simpser, A. (2014). *Constitutions in Authoritarian Regimes*. Cambridge: Cambridge University Press.
- Horowitz, D. L. (2013). *Constitutional Change and Democracy in Indonesia*. Cambridge: Cambridge University Press.
- Horowitz, D. L. (2006). *Constitutional Change and Democracy in Indonesia*. Cambridge: Cambridge University Press.
- Hidayat, M. (2021). "Post-Amendment of UUD 1945: A Critical Review of the Legislative Changes". *Indonesian Law Journal*.
- Hukum, E. & Politik, A. (2022). "The Constitutional Reform in Indonesia: Analysis of Post-Amendment UUD 1945". *Journal of Indonesian Constitutional Law*.
- Lev, D. S. (2001). *Legal Evolution and Political Authority in Indonesia: Selected Essays*. The Hague: Kluwer Law International.
- Lincoln, Y. S., & Guba, E. G. (1985). *Naturalistic Inquiry*. Sage.
- Mietzner, M. (2013). *Money, Power, and Ideology: Political Parties in Post-Authoritarian Indonesia*. Singapore: NUS Press.
- Prawira, D. (2021). "Decentralization and Democracy in Indonesia". *Journal of Southeast Asian Politics*.
- Rahman, A. (2022). "Constitutional Amendments and Democratic Transition in Indonesia". *Journal of Constitutional Law Studies*.
- Smith, T. (2019). "Modern Constitutional Theory". Oxford University Press.
- Saldaña, J. (2021). *The Coding Manual for Qualitative Researchers* (4th ed.). Sage.
- Tushnet, M. (2009). *Weak Courts, Strong Rights: Judicial Review and Social Welfare Rights in Comparative Constitutional Law*. Princeton: Princeton University Press.
- Tushnet, M. (2009). *Weak Courts, Strong Rights: Judicial Review and Social Welfare Rights in Comparative Constitutional Law*. Princeton: Princeton University Press.
- Widodo, S. & Suyadi, H. (2023). "Checks and Balances in Post-Reform Indonesia: A Critical Analysis". *Asian Political Science Review*.