

The Role of Constitutional Law in Maintaining State Stability: A Normative Analysis Based on the 1945 Constitution

Sitta Ayu Karunia ¹

¹ Universitas Tadulako, Palu, Indonesia

Abstract

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Constitutional Law is a branch of law that regulates the structure, functions, and relationships between state institutions as well as the relationship between the state and citizens. As the main foundation, the 1945 Constitution of the Republic of Indonesia (1945 Constitution) contains the main rules regarding the division of power, the mechanism of checks and balances, and the guarantee of citizens' rights. This research uses normative legal methods with case approach and statute approach, which combines the analysis of laws and regulations with the study of relevant cases in Indonesian constitutional practice. The results of the study show that Constitutional Law plays a strategic role in creating legal certainty, maintaining the balance of power, and protecting the rights of citizens. However, the challenges of Constitutional Law implementation in Indonesia still include weak law enforcement, corruption, low transparency, and politicization of state institutions. The discussion emphasized the importance of institutional reform, strengthening the rule of law, and public participation to optimize the function of Constitutional Law in maintaining political, social, and economic stability. In conclusion, the success of the implementation of Constitutional Law is highly dependent on the synergy between the government.

*Corresponding author:
(Sitta Ayu Karunia)

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1. Introduction

Constitutional Law is one of the branches of law that has a strategic role in forming, regulating, and maintaining a democratic and stable government order. The scope of Constitutional Law includes regulating the structure and function of state institutions, relations between state institutions, and relations between state and citizens. In Indonesia, the 1945 Constitution became the main foundation in the formation of Constitutional Law, so that Constitutional Law not only studied the theoretical aspects of state administration, but also provided practical guidelines in the administration of the state.¹ The relationship between Constitutional Law and the constitution, especially the 1945 Constitution, is fundamental. The Constitution contains basic rules that are the main reference in forming the legal framework of the state.

Constitutional Law functions to interpret, elaborate, and implement the principles contained in the constitution so that they can be applied effectively in the life of the state. Thus, constitutional law is a vital instrument in ensuring that the exercise of state power runs in accordance with the principles of democracy, the rule of law, and the protection of human rights. Constitutional Law has two main functions that are interrelated, namely regulating the relationship between the government and the people and regulating relations between state institutions.² In

¹ Yunaldi Wendra. "The Dynamic Interpretation of Pancasila in Indonesian State Administration History: Finding Its Authentic Interpretation." *Jurnal Hukum Novelty* 11, no. 01 (2020): 39-55.

² Marina Ramadhani, Sri Rahayu, Anang Dony Irawan, A. basuki Babussalam, Rian Mangapul Sirait, Anggi Anggraeni Kusumoningtyas, Ali Roho Talaohu, Susanto Susanto, and Achmad Hariri. "*Hukum Tata Negara: Teori, Prinsip, dan Praktik Ketatanegaraan Indonesia*." Yayasan Tri Edukasi Ilmiah, (2025): 17-60.

the context of the relationship between the government and the people, constitutional law establishes the basic principles of the state's interaction with its citizens, including the guarantee of fundamental rights such as freedom of opinion, legal protection, and participation in government processes. On the other hand, Constitutional Law regulates citizens' obligations, such as compliance with the law and payment of taxes.

Meanwhile, in relations between state institutions, constitutional law regulates the mechanism of power distribution through a system of separation of powers and checks and balances between legislative, executive, and judicial institutions.³ This arrangement aims to prevent the concentration of power in one institution and ensure balanced supervision. This is very important in maintaining political stability and preventing abuse of power. The main source of law in constitutional law is the constitution, followed by laws, other laws and regulations, and constitutional conventions. In practice, constitutional law not only relies on written legal texts, but also on the habits that develop in the administration of the state. The role of constitutional law in creating legal certainty is crucial, because legal certainty provides a sense of security, increases public trust, and becomes the foundation for economic and social development.

However, the condition of law enforcement in Indonesia still faces significant challenges. Weak law enforcement, rampant corruption, and low transparency and accountability of government are the main obstacles. Although various reforms have

³ Richard Ekins. "The Balance of the Constitution." *The American Journal of Jurisprudence* 67, no. 2 (2022): 199-222.

been carried out, these problems show that legal stability has not been fully achieved. In this context, constitutional law plays a dual role: as a normative guideline that guides state administration, and as a tool for evaluating ongoing constitutional practices. The political, social, and economic stability of a country cannot be separated from the existence of a strong and effective constitutional legal system. Legal certainty based on the rule of law will create an environment conducive to development. Meanwhile, the balance of power will prevent the birth of authoritarian governments and ensure the protection of citizens' rights. Therefore, an in-depth study of the influence of constitutional law on legal stability and state development is important to identify the strengths, weaknesses, and optimization strategies of the constitutional law system in Indonesia.

2. Literature Review

Constitutional Law (*Hukum Tata Negara*/HTN) is a branch of public law that studies the structure, functions, and relationships between state institutions, as well as the relationship between the state and its citizens. Constitutional Law focuses on the norms governing the exercise of state power, from the formation of state institutions, the division of authority, to the mechanisms for overseeing that power. According to Berezin⁴ Constitutional Law contains fundamental provisions that determine the form of the state, the form of government, the structure of state institutions, and the distribution of power among these institutions. The relationship

⁴ Berezin, Maksim Yu, Igor A. Goncharov, Taymuraz El Kallagov, Tatiana V. Larina, Irina A. Nesmeianova, and Nataliya S. Shutikova. "Constitution In The Legal System Of A State." *International Journal of Ecosystems & Ecology Sciences* 12, no. 4 (2022): 361.

between Constitutional Law and the constitution particularly the 1945 Constitution (UUD 1945) is fundamental. The UUD 1945, as Indonesia's written constitution, is the primary source of Constitutional Law, containing basic principles such as the rule of law, separation of powers, and checks and balances.

Babalola et al.⁵ emphasizes that the constitution functions as “the supreme law of the land,” meaning that all actions and policies of the state must refer to and comply with it. Constitutional Law also serves as an instrument to maintain political, social, and legal stability. By setting boundaries of authority between state institutions, Constitutional Law prevents abuses of power that could threaten democratic order. Butt and Murharjanti⁶ states that Constitutional Law acts as “a legal framework” that ensures every governmental action can be tested for its conformity with the constitution. In the Indonesian context, the implementation of Constitutional Law can be seen in the regulation of the relationship between the government and the people.

It guarantees citizens' fundamental rights such as freedom of speech, legal protection, and political participation while also establishing citizens' obligations, such as obeying the law and paying taxes. Moreover, Constitutional Law governs the relationship between state institutions, including the distribution of powers among the legislative, executive, and judicial branches, equipped with oversight mechanisms to maintain a balance of power. The primary source of Constitutional Law is the

⁵ Kehinde Babalola, Simon Hull, and Jennifer Whittal. "Assessing land administration systems and their legal frameworks: a constitutional focus." *International Federation of Surveyors* (2022): 1-24.

⁶ Simon Butt and Prayekti Murharjanti. "What constitutes compliance? Legislative responses to Constitutional Court decisions in Indonesia." *International Journal of Constitutional Law* 20, no. 1 (2022): 428-453.

UUD 1945, but it also includes laws, other legislative regulations, and constitutional conventions. With a clear legal framework, Constitutional Law ensures that governance is carried out transparently, accountably, and in accordance with democratic principles. Therefore, strengthening the understanding and application of Constitutional Law is an essential step in building a stable, just, and democratic government in Indonesia.

3. Method

This research uses normative legal research methods or often referred to as literature research. This approach focuses on the study of positive legal norms and relevant legal theories, with the aim of analyzing the influence of Constitutional Law on legal stability and state development. The data used in this study is entirely sourced from secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, organic laws that regulate the implementation of constitutional law principles, and Constitutional Court decisions relevant to the issue of legal stability. Secondary legal materials include literature, scientific journals, textbooks, results of previous research, and the opinions of constitutional law experts. Meanwhile, tertiary legal materials include legal dictionaries, legal encyclopedias, and other supporting resources that help clarify key concepts in the discussion.

The approach used in this study combines the statute approach and the case approach. The statute approach is used to study and analyze the laws and regulations that are the basis of constitutional law in Indonesia. The analysis focuses on the

provisions of the 1945 Constitution that regulate basic principles such as the rule of law, people's sovereignty, separation of powers, protection of human rights, and harmonization of national law with international law. Through this approach, the research examines the suitability, consistency, and effectiveness of existing legal norms in creating a stable constitutional system.

Meanwhile, the case approach is used to examine concrete cases that show how constitutional law is implemented in practice. The cases analyzed include the Constitutional Court's decision regarding the legal test of the 1945 Constitution, cases of violation of the principle of separation of powers, and cases that reflect the weak rule of law. Through this case analysis, the research obtained an empirical picture of the extent to which constitutional law norms are consistently applied, as well as the obstacles faced in their implementation.

The analysis technique used is qualitative analysis, which is by interpreting legal materials in depth to reveal the relationship between the applicable legal provisions and the practice of state administration.⁷ Interpretation is carried out using grammatical, systematic, historical, and teleological methods, so that the results of the study can provide a comprehensive and contextual understanding. By combining normative studies and case analysis, this research is expected to be able to make a theoretical and practical contribution in strengthening the constitutional law system, as well as offering strategic recommendations to support legal stability and state development in Indonesia.

⁷ David Skarbek. "Qualitative research methods for institutional analysis." *Journal of Institutional Economics* 16, no. 4 (2020): 409-422.

4. Results

4.1. The Influence of Constitutional Law on Legal Stability

Constitutional Law has a fundamental role in creating legal stability in Indonesia. As a branch of law that regulates relations between state institutions and between the state and citizens, constitutional law forms a normative framework that serves as a reference in running the government. Legal stability itself is a condition in which the rule of law can apply consistently, provide certainty, and be able to be implemented without significant obstacles.⁸ In this context, constitutional law guarantees that every implementation of state power runs in accordance with constitutional principles, such as the rule of law, people's sovereignty, and separation of powers.

One of the tangible manifestations of constitutional law's influence on legal stability is through the enforcement of the principle of supremacy of law. This principle ensures that the law is above all political power, so that every action of the government or citizens must be subject to the applicable law.⁹ The application of this principle prevents the birth of arbitrary government, while creating public trust in the legal system. In addition, constitutional law regulates the separation of powers which divides state power horizontally between the legislative, executive, and

⁸ Antonia Baraggia and Matteo Bonelli. "Linking Money to Values: the new Rule of Law Conditionality Regulation and its constitutional challenges." *German Law Journal* 23, no. 2 (2022): 131-156.

⁹ Laurent Pech. "The rule of law as a well-established and well-defined principle of EU law." *Hague Journal on the Rule of Law* 14, no. 2 (2022): 107-138.

judiciary. This division serves to prevent the concentration of power in one institution and maintain a mutual supervision mechanism (checks and balances).

In the context of legal stability, constitutional law also affects the quality of lawmaking. The legislation process is clearly regulated and transparent in constitutional law to ensure that every regulation produced is in line with the 1945 Constitution. This is important because laws that are inconsistent or contrary to the constitution can trigger legal uncertainty. This is where the role of the Constitutional Court becomes central as the guardian of the constitution to test the conformity of the law with the 1945 Constitution. In addition to the formal aspect, constitutional law also affects the substance of the applicable law. For example, the regulation on human rights in the 1945 Constitution provides normative protection for the rights of citizens, as well as a benchmark for the drafting of laws and regulations under it.

Thus, constitutional law not only forms a structural framework for governance, but also ensures that the substance of the law accommodates the values of democracy and justice. However, constitutional law's positive influence on legal stability does not always go smoothly. Challenges such as political intervention in the judiciary, corrupt practices, and regulatory disharmony often undermine the effectiveness of constitutional law principles. Inconsistencies in law enforcement can erode public trust and potentially lead to instability. Therefore, strengthening the implementation of constitutional law is key in ensuring sustainable legal stability.

4.2. Factors Influencing Constitutional Law in Achieving State Stability

The achievement of state stability through the implementation of the Constitutional Law is influenced by various interrelated factors. These factors can

come from internal aspects in the government system as well as from external dynamics that affect the performance of state institutions. Understanding these factors is important to formulate strategies to optimize the role of constitutional law in maintaining order and sustainability of the country. The first factor is the quality of the constitution as the highest foundation of constitutional law. The 1945 Constitution has undergone several amendments to adapt to the times and the needs of democracy. However, the quality of the constitution is not only measured by its text, but also by the clarity of norms, consistency of arrangements, and its ability to respond to new challenges.

A constitution that is clear, firm, and responsive to socio-political developments will facilitate the application of constitutional law principles. The second factor is the integrity and professionalism of state institutions. constitutional law regulates the division of power and functions between state institutions, but its effectiveness depends on the extent to which the institution carries out its duties in an accountable manner. The weak integrity of public officials or low professionalism in the implementation of duties can hinder the application of the principle of checks and balances, which ultimately harms the stability of the state.

The third factor is consistent law enforcement. State stability can only be realized if the law is enforced indiscriminately. Inconsistencies in law enforcement, especially if influenced by political interests, will undermine public trust in the system of government. In the context of constitutional law, law enforcement includes the protection of citizens' rights, dispute resolution between state institutions, and

supervision of public policies.¹⁰ The fourth factor is public participation in the political and legal process. Constitutional law provides a framework for public engagement, for example through elections, petitions, or public consultations. This participation not only strengthens the legitimacy of the government, but also becomes a means of supervision over the running of the government. The low legal awareness of the community can weaken this control function.

The fifth factor is political stability and national security. A conducive political situation supports the effective implementation of constitutional law. On the other hand, political tensions or social conflicts can disrupt the constitutional mechanism, even forcing the adoption of emergency measures that have the potential to limit citizens' constitutional rights. Thus, the achievement of state stability through constitutional law is not the result of a single aspect, but a combination of the quality of the constitution, the integrity of state institutions, the consistency of law enforcement, community participation, and political stability. This positive interaction between these factors will strengthen constitutional law's position as the main pillar of state order.

4.3. Strategy to Optimize the Role of Constitutional Law

Optimizing the role of Constitutional Law in maintaining state stability requires a planned and comprehensive strategy. This strategy must involve improvements at the regulatory, institutional, and public participation levels so that constitutional law can function optimally according to the mandate of the

¹⁰ Ridwan Arifin. "Legal Protection and Law Enforcement: The Unfinished Works." *Indonesian Journal of Advocacy and Legal Services* 2, no. 1 (2020): 1-4.

constitution. The first strategy is to strengthen the constitutional foundation and legislation. The improvement of the 1945 Constitution and the laws and regulations under it must be carried out carefully through a democratic mechanism. Harmonization between regulations is crucial so that there are no overlaps or contradictions that can disrupt legal certainty.¹¹ In this case, the role of the Constitutional Court as the guardian of the constitution needs to continue to be strengthened, both in terms of authority and the quality of decisions.

The second strategy is institutional reform to improve the integrity, accountability, and professionalism of state institutions. Strengthening the checks and balances mechanism must be carried out not only formally in regulations, but also in daily practice. For example, the recruitment process for public officials needs to be more transparent, independent, and based on the merit system, so as to produce leaders and state officials with high integrity. The third strategy is to improve the quality of law enforcement. Fair and consistent law enforcement is the main foundation of state stability. This effort can be carried out through judicial system reform, capacity building of law enforcement officials, and strict eradication of corruption. Law enforcement must be free from political intervention in order to truly reflect the principle of the rule of law.¹² The fourth strategy is to encourage community participation.

¹¹ H. M. Hosen. "Legal Harmonization of Civil Dispute Settlement Use for Legal Unification." In *The 3rd Green Development International Conference (GDIC 2020)*, Atlantis Press, (2021): 466-473.

¹² Robert A. Blair. "UN Peacekeeping and the Rule of Law." *American Political Science Review* 115, no. 1 (2021): 51-68.

Constitutional law provides a wide space for the people to be involved in the political process and government supervision. Legal and political education is the key for people to understand their rights and obligations. Thus, the people can play an active role in maintaining government accountability. The fifth strategy is to strengthen political and security stability. The government needs to ensure the creation of a conducive political environment through dialogue, deliberation, and respect for differences. On the other hand, threats to national security such as terrorism or horizontal conflicts must be anticipated through policies that are firm but still respect human rights. With the implementation of these strategies, constitutional law can function optimally as a legal framework that maintains the balance of power, protects the rights of citizens, and ensures the running of democratic government. Consistent implementation will result in sustainable legal, political, and social stability.

5. Discussion

Constitutional Law has a strategic role in shaping and maintaining state stability. The results of the analysis in the previous section show that the constitutional law not only functions as a formal legal tool, but also as an instrument of political control, a guardian of the balance of power, and a protector of citizens' rights. From the perspective of the theory of the state of law (*rechtstaat*), the existence of constitutional law ensures that every action of the government and citizens is within a clear legal corridor, thus preventing potential abuse of power. One of the prominent aspects is the role of constitutional law in providing legal

certainty. This legal certainty is realized through clear regulation of the functions, authorities, and limits of state institutions.¹³ If these restrictions are ignored, the potential for conflicts of authority between institutions will increase, which can ultimately disrupt the stability of the state. Therefore, the quality of the constitution is the main foundation for the effectiveness of constitutional law. A clear constitution that is adaptive to the times will facilitate the effective implementation of constitutional law.

In addition to legal certainty, constitutional law also plays a role in regulating the checks and balances mechanism. This mechanism ensures that no single institution monopolizes absolute power. However, its effectiveness is highly dependent on the integrity of state institutions and the consistency of law enforcement. In this context, the Constitutional Court and the Supreme Court play an important role as the guardian of the constitution and the highest interpreter of the law. The decisions produced by these two institutions must be able to provide a clear direction in the settlement of constitutional disputes.

Community participation is also an important factor that is strengthened by constitutional law. Through democratic mechanisms such as elections, referendums, or public petitions, the people can participate in decision-making that affects the course of government. This participation not only strengthens the legitimacy of the government, but also serves as a socio-political control tool that can prevent

¹³ Dona Budi Kharisma. "Urgency of financial technology (Fintech) laws in Indonesia." *International Journal of Law and Management* 63, no. 3 (2021): 320-331.

irregularities. The challenge is to increase people's legal awareness so that they can make optimal use of their constitutional rights.

However, in practice, the implementation of constitutional law often faces obstacles. Inconsistencies in law enforcement, politicization of state institutions, and weak public participation are recurring challenges. In addition, external factors such as globalization, technological developments, and international political dynamics also affect the stability of the country. These changes require constitutional law adaptations to remain relevant and effective in facing new challenges, such as cybersecurity issues, personal data protection, and natural resource management.

To overcome these challenges, the strategy of optimizing the role of constitutional law must be implemented comprehensively. Strengthening the constitutional foundation, institutional reform, improving the quality of law enforcement, and empowering public participation are complementary steps. This approach needs to be implemented with strong political commitment, support from all stakeholders, and active community participation. Thus, constitutional law is not only a static legal framework, but must be seen as a dynamic instrument that continues to evolve with social, political, and technological changes. Consistent implementation, accompanied by adaptive updates, will ensure that constitutional law is able to maintain the country's stability in the long term.

6. Conclusion

The Constitutional Law is the main pillar in maintaining state stability, as it regulates the structure, functions, and relations between state institutions, as well as

setting power limits in line with constitutional principles. Its main role lies in the creation of legal certainty, a balanced division of power, and the protection of citizens' rights. Through the principle of the rule of law and the checks and balances mechanism, constitutional law prevents the abuse of power that can threaten the order and stability of the government. The stability of the state is determined not only by the normative framework of the constitutional law, but also by its consistent implementation. The integrity of state institutions, the quality of law enforcement, and the active participation of the community are key factors that affect the effectiveness of constitutional law. A law-conscious society can act as a supervisor of public policy, while an independent judiciary is the last bastion in safeguarding the constitution.

However, the implementation of constitutional law is faced with real challenges such as the politicization of state institutions, disharmony of laws and regulations, low legal awareness, and the influence of global dynamics and technological developments. This challenge requires adaptive reforms, both in terms of substance and law enforcement mechanisms, so that constitutional law remains relevant to contemporary issues such as personal data protection and cybersecurity. Therefore, optimizing constitutional law requires synergy between the government, state institutions, and the community through strengthening the constitutional foundation, institutional reform, improving the quality of law enforcement, and empowering public participation. With these measures, the constitutional law can function as a dynamic instrument that not only regulates power, but also maintains the stability of the country in a sustainable manner.

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