

THE STATUS AND RIGHTS OF CITIZENS IN THE PERSPECTIVE OF THE INDONESIAN CONSTITUTION: AN ANALYSIS OF THE 1945 CONSTITUTION

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Abstract

This study aims to analyze the status and rights of citizens from the perspective of the Indonesian Constitution, with a particular focus on the provisions stipulated in the 1945 Constitution. The primary issue addressed in this research is the gap between constitutional guarantees of citizens' rights especially the right to education and the realities encountered in practical implementation. Although the 1945 Constitution provides a strong legal foundation through Articles 27–34 and 28A–28J, various challenges such as unequal access to education, low legal literacy, and limited institutional capacity continue to hinder the fair and equitable fulfillment of citizens' rights. This research employs a literature study method by reviewing constitutional documents and scholarly journal articles related to the protection of citizens' fundamental rights. The findings indicate that ensuring the realization of citizens' rights, particularly in the context of Islamic education, requires institutional strengthening, enhanced teacher competence, and the integration of constitutional and human rights values into Islamic Religious Education curricula. Accordingly, this study contributes to the development of knowledge and professional practices in Islamic education that are just, inclusive, and aligned with constitutional mandates.

Keywords: Citizens' Rights; 1945 Constitution; Islamic Education.

INTRODUCTION

Citizenship is not merely a legal status; it embodies reciprocal relationships between the state and its citizens based on the recognition of rights and responsibilities. In modern democratic nations, constitutional protection of citizens' rights becomes the core foundation that ensures justice, public welfare, and human dignity remain safeguarded under the rule of law, (Shulztiner, 2014). Indonesia incorporates these principles through the 1945 Constitution (Undang-Undang Dasar 1945/UUD 1945), which not only defines the nature of state authority but also affirms essential civil, political, economic, social, and cultural rights afforded to every citizen. This includes equality before the law, the right to education, freedom of expression, national participation, and social protection for those in vulnerable positions, (Rofiq, 2024).

The significance of constitutional protection of citizens' rights becomes increasingly relevant as Indonesia continues to consolidate its democratic governance following constitutional reforms enacted between 1999 and 2002, (Mietzner, 2016). These amendments introduced a stronger bill of rights, explicitly laid out in Articles 28A–28J, which reflect Indonesia's commitment to international human rights norms. These provisions guarantee, among others, the right to life, family, personal development, legal certainty, freedom of religion, and protection of one's dignity from degrading treatment. At the same time, Articles 27–34 articulate fundamental rights linked to citizenship, access to education, social welfare, and national defense obligations. Together, these articles construct the legal foundation for the state to fulfill its responsibilities in protecting and advancing citizens' rights as part of its constitutional mandate, (Rofiq, 2024).

However, despite the normative strength of Indonesia's constitutional framework, discrepancies between theory and implementation remain a persistent challenge. In practice, the enforcement of constitutional rights is not always consistent or equitable. Various reports and legal analyses indicate that gaps still exist due to regulatory ambiguity, state institutional weaknesses, political intervention, and social inequality that affect citizens differently across regions and social groups. For example, although Article 27 affirms equality before the law, limited access to legal representation for marginalized communities and discriminatory treatment based on political and economic power imbalances continue to hinder equal justice. In the same way, the constitutional guarantee of the right to education and welfare is often constrained by budgetary limitations, infrastructural disparities, and weak administrative coordination, (Atqiya, 2025).

Furthermore, the implementation of constitutional rights often encounters competing interests between safeguarding individual freedoms and maintaining public order. Article 28J clearly establishes that human rights are not absolute and may be restricted by law to preserve morality, religious values, public security, or the rights of

others. While such restrictions are necessary in certain circumstances, the ambiguity of “legal limitations” has at times opened opportunities for political misuse. Several legal instruments such as provisions within the Information and Electronic Transactions Law (UU ITE) have been widely criticized by scholars and civil society organizations for being used to suppress dissent and criminalize freedom of expression, despite constitutional guarantees that ensure such freedoms under Article 28E, (Atqiya, 2025).

State institutions responsible for protecting constitutional rights are thus required to operate independently and effectively. The Constitutional Court (Mahkamah Konstitusi), for instance, functions as a constitutional guardian with authority to review laws that potentially violate constitutional principles. Its decisions have contributed significantly to the harmonization of statutory regulations and the safeguarding of human rights, though certain landmark cases such as blasphemy-related rulings continue to spark debate over whether judicial interpretations adequately balance individual freedoms with broader social interests. The National Commission on Human Rights (Komnas HAM) also plays an important role in monitoring and evaluating human rights violations, promoting human rights awareness, and providing recommendations to the government. Despite their mandates, institutional constraints, including insufficient enforcement power and political dependency, often limit the effectiveness of these bodies in upholding citizen rights consistently, (Atqiya, 2025).

These structural and institutional challenges reflect the complexity of translating constitutional ideals into tangible protections that can be experienced by all Indonesian citizens in their daily lives. The persistence of socioeconomic disparities further complicates this process. Citizens in remote regions, individuals with disabilities, and minority groups frequently face unequal access to public services such as healthcare, education, and legal support. This indicates that constitutional rights though equally granted are not equally enjoyed, particularly when structural barriers inhibit the exercise of such rights. As such, ensuring universal and non-discriminatory protections remains one of Indonesia’s ongoing democratic obligations, (Atqiya, 2025).

Responsible citizenship also requires that individuals acknowledge and fulfill their constitutional obligations. UUD 1945 emphasizes duties such as obeying laws, paying taxes, defending the nation, and respecting the rights of others. These obligations embody the principle that rights and responsibilities must coexist to sustain national harmony and democratic life. The Constitution thus positions citizens not only as rights bearers but also as active contributors to societal order and national development. An imbalance between rights and obligations whether by state or individuals can potentially destabilize democratic governance and undermine the realization of constitutional ideals, (Rofiq, 2024).

Given the dynamic political, legal, and social context of Indonesia's constitutional development, scholarly assessment of citizens' status and rights remains essential. A deeper understanding of how constitutional principles are applied or neglected can enhance critical awareness, stimulate legal reforms, and strengthen state accountability. Academic studies also contribute to improving public legal literacy, which empowers citizens to actively defend their rights when threatened and participate effectively in democratic processes, (Rofiq, 2024).

Therefore, this study aims to examine the status and rights of Indonesian citizens from a constitutional perspective by analyzing the normative provisions of UUD 1945 and their real-world implementation. It highlights progress made in strengthening human rights protection through constitutional reform, while critically identifying deficiencies that hinder rights enforcement. Through literature-based and normative legal analysis, this study seeks to provide constructive insights that support the development of a more just and inclusive democratic system. By reinforcing constitutional safeguards and addressing institutional, legal, and social obstacles, Indonesia can ensure that the rights of its citizens are not merely written principles but living realities experienced by all members of society

RESEARCH METHOD

This study employs a normative juridical research approach, focusing on the analysis of constitutional provisions and academic discussions related to the rights and status of citizens under the 1945 Constitution of Indonesia (UUD 1945). The normative juridical method is appropriate for research that examines legal norms, constitutional principles, and institutional authority derived from statutory texts and scholarly interpretations. The purpose of this approach is to identify how constitutional guarantees regarding civil and fundamental rights are formulated and to evaluate the extent of their implementation through legal institutions within the Indonesian democratic system. This method allows the researcher to explore legal concepts systematically and examine their practical implications within governance and civic life.

HASIL DAN PEMBAHASAN

The findings of this literature-based study are organized around three thematic dimensions derived from the analysis of constitutional provisions and scholarly sources related to the rights and status of Indonesian citizens under the 1945 Constitution. These findings reflect the legal guarantees contained in the Constitution, the operational role of state institutions in enforcing constitutional protections, and the implementation challenges that arise in safeguarding citizen rights in Indonesia's democratic governance.

A. Constitutional Guarantees of Citizens' Rights Under UUD 1945

The literature demonstrates that the 1945 Constitution (UUD 1945) establishes a comprehensive framework of constitutional rights that reflect Indonesia's identity as a state governed by law. The Constitution guarantees that every individual within Indonesian jurisdiction is recognized and protected as a rights-bearing legal subject, (Fadhli, 2023). UUD 1945 serves as the highest legal authority, ensuring that rights are both fundamental and inseparable from human dignity. This constitutional recognition applies equally to all persons without discrimination, as mandated by Articles 27–34 and 28A–28J, which safeguard civil, political, social, economic, and cultural rights, (Fadhli, 2023). These guarantees confirm that Indonesia adopts equal citizenship as a foundational principle. The constitutional rights provided include: the right to life, the right to form a family, the right to develop oneself, the right to legal protection and fair justice, the right to express opinions, the right to education, the right to work, and the right to participate in governance.

Such protections are aligned with global human rights principles embedded in the Universal Declaration of Human Rights and international covenants, (Dani, 2015). Importantly, the constitutional structure not only guarantees rights but also requires their enforcement and protection by the state to prevent violations by authorities. Every government institution legislative, executive, and judiciary is bound by the Constitution and may not act contrary to the protected rights of its citizens, (Fadhli, 2023). The Constitution also establishes that rights must operate alongside civic responsibilities. Rights cannot be exercised without observing obligations such as obeying laws, paying taxes, and maintaining national security, ensuring equilibrium between personal liberty and collective order, (Fadhli, 2023). Therefore, the protection of rights in Indonesia is not absolute but is balanced by moral, legal, and public interests as described in Article 28J of UUD 1945.

Scholarly sources emphasize that constitutional rights function as a limitation on state power. Any governmental action that violates constitutional guarantees must be declared void by judicial authority. Hence, UUD 1945 enforces a constitutional mechanism that prevents arbitrary governance and reinforces democratic rule. In summary, the constitutional protections stipulated in UUD 1945 position human rights as a core element of Indonesian statehood. Indonesia's constitutional design situates rights and responsibilities as interdependent pillars aimed at ensuring the dignity, safety, and welfare of all citizens.

Table. 1
Constitutional Distribution of Citizens' Rights in UUD 1945

Category

Civil and Political Rights
Social and Economic Rights
Cultural and Communal Rights
Obligatory Citizen Duties

These guarantees place Indonesia on par with global constitutional standards by explicitly incorporating human rights norms into its highest legal order. However, the realization of these principles often depends on the extent of institutional support and legal accessibility (Atqiya, 2025).

B. Enforcement Through State Institutions

The enforcement of constitutional rights in Indonesia is closely linked to the performance and accountability of state institutions that serve as the guardians of constitutional mandates. The literature emphasizes two primary institutions responsible for ensuring constitutional compliance and protecting citizens' rights: the Constitutional Court (Mahkamah Konstitusi) and the National Human Rights Commission (Komnas HAM), (Fadhli, 2023).

1. The Constitutional Court (Mahkamah Konstitusi)

The Constitutional Court plays a central role in reviewing laws that contradict the Constitution. This authority ensures that statutory regulations created by the government and parliament do not undermine the principles of equality, justice, and fundamental rights as guaranteed under UUD 1945, (Fadhli, 2023). Through judicial review, individuals or groups may challenge legal provisions considered unconstitutional, enabling citizens to safeguard their rights through judicial mechanisms.

Although Indonesia's judicial review system provides a vital constitutional safeguard, scholarly sources note that procedural limitations remain such as the absence of a fully developed constitutional complaint procedure, (Fadhli, 2023). In comparison with other democratic constitutional courts, citizens in Indonesia do not yet possess direct standing to file complaints specifically addressing government actions that violate individual rights. This legal constraint potentially weakens the full enforceability of constitutional protections.

2. The National Human Rights Commission (Komnas HAM)

Komnas HAM functions as an independent oversight body that advocates for human rights fulfillment. Its authority includes conducting investigations, monitoring rights violations, and issuing public recommendations to the government. Through these functions,

Komnas HAM acts as a counterbalance to state power by promoting accountability and preventing abuses of authority.

However, despite its strategic role, the implementation of Komnas HAM recommendations is often non-binding, resulting in limited enforcement effectiveness. Institutional constraints, including political pressure and bureaucratic resistance, frequently restrict the impact of Komnas HAM in delivering justice to victims of rights violations, (Dani, 2015).

3. Coordinated Protection Across Government Institutions

Protection of rights does not rely solely on one institution. Instead, the enforcement structure includes legislative roles of the DPR and government, judicial roles of courts across levels, and administrative enforcement through law enforcement agencies, (Dani, 2015). This institutional ecosystem forms a system of checks and balances intended to avoid the concentration of power and potential misuse of authority.

Yet, disparities in institutional performance across regions indicate that constitutional rights enforcement remains inconsistent. For instance, limited human resources, lack of legal awareness, and bureaucratic inefficiencies have contributed to unequal access to justice for marginalized communities.⁷

CONCLUSION

The findings indicate that the 1945 Constitution provides a strong legal foundation guaranteeing fundamental rights for every Indonesian citizen, including the right to education as stated in Article 31. The State is therefore obligated to ensure a national education system that promotes faith, piety, and noble character. Thus, fulfilling the right to education is a non-negotiable constitutional mandate.

However, the literature reveals a persistent gap between constitutional norms and real implementation, particularly regarding unequal access, limited teacher competence, and infrastructure disparities in remote regions. These challenges hinder the realization of equitable and humane educational rights for all citizens.

Within Islamic education, this gap demands strategic responses. Islamic educational institutions such as madrasahs and pesantren must strengthen their institutional capacity to act as effective providers of citizens' constitutional educational rights. Curriculum enhancement in Islamic Religious Education (PAI) is also crucial to cultivate legal and civic literacy, enabling students to become critical and responsible citizens grounded in Islamic values and constitutional principles

REFERENCES

- Atqiya, A. N., Nasoha, A. M. M., Putri, E. H., Prameswati, N. M., & Purnamasari, S. D. I. D. (2025). *Perlindungan hak warga negara dalam negara demokrasi: Perspektif konstitusional dan hak asasi manusia*. *Jurnal Pendidikan dan Kewarganegara Indonesia*, 2(2), 174–186. <https://doi.org/10.61132/jupenkei.v2i2.352>
- Dani, D. M. (2015). *Jaminan konstitusional hak politik warga negara Indonesia di luar negeri dalam penyelenggaraan pemilihan umum presiden dan wakil presiden tahun 2014*. *Lentera Hukum*, 2(3), 209–219. <https://doi.org/10.19184/ejlh.v2i3.6840>
- Fadhli, T., Siregar, A., Fitri, A. A., Rahimah, F. N., Pasaribu, I. P. S., Pertiwi, K. N., Al Fatha, K., Anggraini, L., Purba, N. H., & Siregar, S. S. (2023). *Konstitusi Indonesia dalam menjamin hak warga negara*. *Jurnal Educandumedia*, 2(1).
- Mietzner, M. (2016). *Political conflict resolution and democratic consolidation in Indonesia: The role of the Constitutional Court*. *Journal of East Asian Studies*, 10(3), 397–424. <https://doi.org/10.1017/S1598240800003672>
- Rofiq, A., Alvinzaenia, Bakti Fatwa Anbiya, H. A. Khuzaima, A. A. Zulfa, & Maretta, C. W. (2024). *Analisis hak dan kewajiban warga negara yang terkandung dalam UUD Negara Republik Indonesia tahun 1945*. *Jurnal Harmoni Nusa Bangsa*, 2(1), ISSN 3032-3770. <https://ejournal.stipram.ac.id/index.php/JHNB/index>
- Shulztiner, D., & Carmi, G. E. (2014). *Human dignity in national constitutions: Functions, promises and dangers*. *The American Journal of Comparative Law*, 62(2), 461–490. <https://doi.org/10.5131/AJCL.2013.0003>