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The Role of Constitution in Ensuring The Stability of The State System in Indonesia

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Abstrak

Konstitusi merupakan landasan utama dalam sistem ketatanegaraan yang berfungsi mengatur dan mengarahkan jalannya pemerintahan. Di Indonesia, Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (UUD 1945) merupakan landasan ketatanegaraan yang mengatur hubungan antarlembaga negara, hak-hak warga negara, dan asas-asas dasar ketatanegaraan. Artikel ini bertujuan untuk menganalisis peran konstitusi dalam menjaga stabilitas ketatanegaraan Indonesia, khususnya pascareformasi dan amandemen UUD 1945. Penelitian ini menggunakan pendekatan kualitatif normatif melalui studi pustaka dan analisis peraturan perundang-undangan. Hasil penelitian menunjukkan bahwa konstitusi memiliki peran yang sangat sentral dalam sistem ketatanegaraan. Konstitusi berfungsi sebagai landasan hukum tertinggi yang mengatur jalannya pemerintahan dan pembagian kekuasaan. Melalui konstitusi, keseimbangan antarlembaga negara dapat dijaga sehingga tidak terjadi penyalahgunaan wewenang. Selain itu, konstitusi menjamin perlindungan hak-hak dasar warga negara secara adil dan setara. Konstitusi menjadi acuan utama dalam menyelesaikan konflik yang berkaitan dengan ketatanegaraan. Namun, dalam pelaksanaannya, konstitusi seringkali menghadapi berbagai tantangan yang kompleks. Salah satunya adalah perbedaan penafsiran pasal-pasal yang bersifat multitafsir. Dinamika politik yang berkembang juga seringkali memengaruhi pelaksanaan norma-norma konstitusi. Tekanan politik dapat menyebabkan penyimpangan atau manipulasi konstitusi.

Kata Kunci: *Konstitusi, Tata Kelola, Stabilitas*

Abstract

The constitution is the main foundation in the constitutional system that functions to regulate and direct the course of government. In Indonesia, the 1945 Constitution of the Republic of Indonesia (UUD 1945) is the constitutional footing that regulates the relationship between state institutions, the rights of citizens, and the basic principles of state administration. This article aims to analyze the role of the constitution in maintaining the stability of Indonesian governance, especially after the reformation and amendment of the 1945 Constitution. This research uses a normative qualitative approach through literature study and analysis of laws and regulations. The results of the study show that the constitution has a very central role in the constitutional system. The constitution functions as the highest legal basis that regulates the course of government and the distribution of power. Through the constitution, the balance between state institutions can be maintained so that there is no abuse of authority. In addition, the constitution guarantees the protection of the basic rights of citizens in a fair and equal manner. It becomes the main reference in resolving conflicts related to state administration. However, in its implementation, the constitution often faces various complex challenges. One of them is the difference in interpretation of articles that are multi-interpretive. The growing political dynamics also often affect the implementation of constitutional norms. Political pressure can cause deviation or manipulation of the constitution.

Keywords: *Constitution, Governance, Stability*

INTRODUCTION

A constitution is a written basic law that is the highest source of law in a country. In Indonesia, the 1945 Constitution has been the basis of state administration since independence, and underwent four amendments during the reform era (1999-2002). These amendments not only improved the structure of state institutions, but also emphasized the principles of democracy, the rule of law and the protection of human rights.

Constitutional stability is an ideal condition that describes the functioning of state institutions in accordance with the principles set out in the constitution. In this condition, there are no serious disturbances that can trigger a political crisis or government crisis. Each state institution performs its role in a proportional and balanced manner, without the dominance of one institution over another. This stability reflects the existence of an effective checks and balances system. This stability is important for the creation of an orderly, structured and reliable government atmosphere. When governance stability is maintained, national development can run more optimally. Public trust in the government and the law also tends to increase. Therefore, maintaining governance stability is the collective responsibility of all components of the nation.

The implementation of the constitution is the main factor that determines the stability of state administration. The constitution is not only the highest legal document, but also a normative guideline that directs the course of government. When the constitution is used as the main basis for political decision-making and public policy, the potential for conflict between institutions can be minimized. However, the implementation of the constitution does not always run smoothly, as it is often influenced by certain political interests. In such situations, interpretations of the constitution can be manipulative and inconsistent. This has the potential to cause tension in the constitutional system and threaten the stability that has been built. Therefore, it is important to have a control mechanism over the implementation of the constitution so that it remains in line with the spirit of democracy. Adherence to the constitution must be a shared commitment of all political actors and state institutions.

All elements of the state have a strategic role in making the constitution the main reference in acting and behaving. This role includes the legislature, executive, judiciary, and civil society, which are an important part of the democratic system. When all parties make the constitution the main guideline, governance will be more directed and accountable. Conversely, if the constitution is ignored or interpreted unilaterally, the potential for conflict and instability will increase. Constitutional education and literacy is also an important key to strengthening the role of society in overseeing the course of government. With a good understanding, the public can participate in monitoring and providing constructive criticism of constitutional practices. Collaboration between institutions and society in maintaining constitutional values will strengthen the joints of democracy. Stability born from collective constitutional awareness will be more resistant to short-term political turmoil.

RESEARCH METHOD

This research uses a qualitative method with a normative-juridical approach, namely an approach that examines the law as a living norm in the national legislative system. This approach emphasizes the study of the applicable legal rules and legal principles that shape the structure and function of the state administration. By not involving field observations, this approach focuses more on analyzing legal texts. As explained by Soekanto (2006), the normative method is used to examine the law within the framework of its normative documents and systems. This research aims to understand the normative foundations of the Indonesian constitution. Therefore, this method is very relevant to answer theoretical-conceptual problems.

The data in this research is obtained through a literature study, which involves tracing and reviewing various legal sources, both primary and secondary. Primary sources consist of the 1945 Constitution of the Republic of Indonesia and various related laws and regulations. Secondary sources include academic literature, scientific legal journals, and official state documents. According to Marzuki (2010), desk research is a key method in the normative approach as it allows in-depth analysis of legal sources. This technique helps researchers to find the legal basis, arguments and doctrines that support the findings. In addition, the literature study also helps trace the historical development of the constitution.

The analysis was conducted using a descriptive-analytical technique, which describes legal data systematically, then analyzes it to reveal the meaning and relevance of the constitutional substance. This analysis includes an evaluation of legal norms and their implementation in constitutional practice. In this approach, researchers try to explain not only the sound of the norm, but also how the norm is implemented. Ibrahim (2006) states that descriptive-analytical analysis is important to test the consistency between legal norms and their implementation in the field. Thus, this research does not only explain the theory, but also touches on practical issues. This provides a complete picture of the Indonesian constitutional system normatively and applicatively.

RESULT AND DISCUSSION

The Constitution as the Foundation of State Administration

The Constitution is the highest legal foundation that establishes the basic structure of a country's government, including arrangements regarding the division of power and authority of state institutions. In the Indonesian context, the 1945 Constitution is the main source of constitutional law governing the state system. The constitution is not only a legal guideline, but also serves as a tool to maintain the stability and legitimacy of the government. According to Mahfud MD (2011), the constitution is the embodiment of the people's basic agreement on the form, system and principles of state administration. Therefore, the role of the constitution is very important in shaping the institutional framework of the state. With this foundation, the state can avoid authoritarian and arbitrary power practices. The constitution acts as a limit to power as well as an instrument of supervision.

In the 1945 Constitution, the principle of separation of powers is elaborated into three main branches: executive, legislative and judicial. Each branch has different functions and authorities, but they complement and supervise each other. This system is known as the

trias politica principle, which was originally proposed by Montesquieu in his classic work *L'Esprit des Lois* (1748). The implementation of this principle in the Indonesian context is not a rigid separation of powers, but rather a distribution of power. As stated by Jimly Asshiddiqie (2006), the Indonesian constitutional system recognizes a dynamic and interacting pattern of inter-institutional relations. This can be seen in the implementation of legislative, supervisory and judicial functions. This model allows for inter-institutional control without destabilizing the government.

The main purpose of power sharing is to create a system of checks and balances, which is a mechanism of mutual supervision and balance between state institutions. With this mechanism, the potential for abuse of power can be systematically suppressed and controlled. Checks and balances is a fundamental principle in a constitutional democratic system, as it guarantees the protection of citizens' rights. According to Miriam Budiardjo (2008), a healthy division of power will result in a government that is accountable and open to public scrutiny. In practice, the DPR has a supervisory function over government policies, while the Constitutional Court acts as the guardian of the constitution. This pattern shows that no single institution has absolute power. All powers are limited and monitored by legal and institutional mechanisms.

Research on the role of the constitution in maintaining the order and harmony of the constitutional system is very important. Through this study, it can be seen how effectively the constitution is implemented in state practice. Research can also identify the challenges faced in upholding the principles of the constitution. By understanding these obstacles, appropriate solutions can be formulated to improve the constitutional system as a whole. Such studies can also contribute to the strengthening of democratic institutions through the formulation of law and constitution-based policies.

In the Indonesian context, the constitution has a very important position in maintaining pluralistic national integration. With diverse social, cultural and political backgrounds, the constitution is a unifying tool within the frame of a unitary state. Principles such as democracy, social justice, and respect for human rights must be maintained and actualized. The government and society must have a strong commitment to carry out the mandate of the constitution consistently. When all elements of the nation adhere to the constitution, harmony and order in the constitutional system will be created. Differences in political views are no longer a source of conflict, but rather part of the dynamics of a healthy democracy. Thus, the stability of the state system is not only a goal, but also a result of the

implementation of the constitution in earnest. A stable and just Indonesia can only be realized if the constitution truly becomes the spirit of the life of the nation.

The Constitution as a Dispute Resolution Instrument

The Constitutional Court (MK) is a state institution that has a strategic role in maintaining constitutional stability, especially through the authority to conduct judicial review or testing of laws against the 1945 Constitution. This function aims to ensure that every legislative product does not conflict with the basic principles of the constitution. Through judicial review, the Constitutional Court can cancel laws that are considered contrary to the 1945 Constitution, thus functioning as the last bastion of protection of citizens' constitutional rights. According to Asshiddiqie (2006), judicial review is an important instrument to uphold the principle of the rule of law and ensure the supremacy of the constitution. This role is increasingly relevant given the changing political and legal dynamics. The Constitutional Court also plays a role in balancing power between state institutions. Thus, the existence of the Constitutional Court creates constitutional control over potentially deviant legislative practices.

In addition to judicial review, the Constitutional Court is also authorized to resolve authority disputes between state institutions whose authority is granted by the 1945 Constitution. Such disputes often occur in government practice, especially when the limits of authority are not clearly regulated. The Constitutional Court is present as a neutral forum to decide these conflicts fairly and constitutionally. According to Mahfud MD (2011), the existence of the Constitutional Court in resolving disputes between state institutions is very important in preventing political clashes that can lead to instability. The Constitutional Court's decision in this case is final and binding, thus providing legal certainty. With this mechanism, interactions between institutions can take place within the corridors of constitutional law and ethics. This reflects efforts to realize orderly and legal governance.

CONCLUSION

The constitution plays a fundamental role in maintaining the stability of the Indonesian state system as it is the main foundation for the entire system of government. Not only does it regulate the structure and functions of state institutions, the constitution also sets out the basic principles of national life, including democracy, human rights and the rule of law. As the highest legal norm, the constitution serves as the main reference in resolving constitutional conflicts that arise due to disputes over authority or political

disagreements. In this case, the constitution becomes a source of legitimacy and control over the course of state power. The Constitutional Court is present as an authoritative implementer of these values, especially in testing legal products so that they remain in accordance with the 1945 Constitution. This mechanism confirms that political stability cannot be achieved without adherence to the constitution. Therefore, the strength of the constitution lies not only in its text, but also in its implementation.

The amendment of the 1945 Constitution, which was carried out in four stages from 1999 to 2002, has brought significant changes to the strengthening of democracy, limiting power, and affirming the presidential system. However, a major challenge that remains is how to implement the values of the Constitution consistently in state practice. Uneven law enforcement, elitist political culture, and weak constitutional education are obstacles in internalizing the spirit of the constitution. State stability can only be realized if all elements of the nation, from public officials to the community, uphold constitutional principles. Legal awareness must be built from an early age so that the constitution does not merely become a legal symbol, but actually lives in everyday life. With a strong internalization of constitutional values, Indonesia can build a democratic, just and sustainable governance. A respected constitution will create a strong foundation for national order and peace.

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