

Pancasila And The Constitution Of The Republic Of Indonesia 1945 In The Constitution Of Indonesia

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Abstract

Every moment of change of the 1945 Constitution in Indonesia is always based on several underlying reasons, namely to change or update the editorial and substance of the Constitution (partly or wholly), to suit the political, legal, economic, social, cultural, defence and security conditions of the nation according to the times. Although the 1945 Constitution in Indonesia has repeatedly undergone changes, there is one principle that has always been adhered to by the formers, namely not eliminating or replacing the basis of the state, namely Pancasila. Pancasila as the basis of the state is still maintained and listed in the constitution, the fourth paragraph of the Preamble of the 1945 Constitution of the Republic of Indonesia. Although in the Preamble or in parts of the constitution does not include the word "Pancasila", but the items listed are the sound of the precepts contained in Pancasila. The five foundations of the state are also the source of state law of the Republic of Indonesia. The purpose of this study is to describe Pancasila and the 1945 Constitution of the Republic of Indonesia in the State Administration System of the Republic of Indonesia. Using a theoretical research type and conceptual approach results in five discussions: First, Pancasila in the State Constitution; Second, the History of the Birth of Pancasila; Third, Events Around the Proclamation; Fourth, the Proclamation of Indonesian Independence; Fifth, the 1945 Constitution of the Republic of Indonesia as the State Constitution; Sixth, the History of the Enactment of the Constitution; (1) Period of the 1945 Constitution (August 18, 1945-27 December 1949); (2) Period of the Constitution of the Republic of Indonesia of the United States of America (December 27, 1949 - August 17, 1950); (3) Period of the Provisional Constitution of 1950 (August 17, 1950 - July 5, 1959); (4) Period of the 1945 Constitution (July 5, 1959-1999); and (5) Period of the 1945 Constitution of the Republic of Indonesia (1999 to the Present). This conclusion shows that Pancasila as the basis of the state brings logical consequences that the basic values of Pancasila are used as the main foundation and fundamental basis for the administration of the Indonesian state. The basic values of Pancasila are Belief in One God, fair and civilized humanity, Indonesian unity, democracy led by wisdom in representative deliberation, and social justice for all Indonesian people. The 1945 Constitution of the Republic of Indonesia contains democratic and modern basic rules in accordance with the needs and demands of the dynamics of the Indonesian nation, and will only be meaningful and useful if implemented seriously, consistently and consequently by all components of the nation, especially state administrators, and will provide great hope for the realization of a democratic, modern and religious society, nation and state as a manifestation of the implementation of the ideals of Proclamation 17 August 1945 as stated in the Preamble of the 1945 Constitution of the Republic of Indonesia.

Keywords: Pancasila, Constitution, THE 1945 Constitution

I. INTRODUCTION

After the Proclamation on August 17, 1945, Indonesia enacted the 1945 Constitution on August 18, 1945. Indonesia's Constitution has a long history in line with the dynamics of state administration that prevailed and developed in their respective times. Since the establishment of Indonesia, there have been several changes in the Constitution. There are several Constitutions that have been in force in Indonesia, namely the independence period of UUD 45 (August 18, 45 - December 27, 49), the 1949 RIS Constitution (December 27, 49 - August 17, 50), UUDS 1950 (August 17, 50 - July 5, 59), returning to the 1945 Constitution (July 5, 59 - 1966), the 1945 Constitution of the New Order Period (March 11, 66 - May 21, 1998), the transition period (May 21, 1998 - October 19, 1999), and the period of changes to the 1945 Constitution in a series of changes in four stages of the 1999 MPR General Session, October 14-21, 1999 (First Amendment of the 1945 Constitution), the 2000 MPR Annual Session, August 7-18, 2002 (Second Amendment of the 1945 Constitution), the 2001 MPR Annual Session, November 1-9, 2001 (Third Amendment of the 1945 Constitution), and the 2002 MPR Annual Session, August 1-11, 2002 (Fourth Amendment of the 1945 Constitution), which was then officially called by the MPR as the 1945 Constitution of the Republic of Indonesia.

Every moment of Constitutional change in Indonesia is always based on several underlying reasons, namely to change or update the editorial and substance of the Constitution (partly or wholly), to suit the political, legal, economic, social, cultural, defense and security conditions of the nation according to the times. Although the Indonesian Constitution has been repeatedly amended, there is one principle that has always been adhered to by its framers, namely not eliminating or replacing the basis of the state, namely Pancasila. Pancasila as the basis of the state is still maintained and listed in the constitution, the fourth paragraph of the Preamble of the 1945 Constitution. Although the Preamble or part of the constitution does not include the word "Pancasila", the items listed are the sound of the precepts contained in the Pancasila. The five foundations of the state are also the source of law of the Republic of Indonesia.

During the Old Order government, Pancasila was interpreted according to various ideological schools. This was, among other things, spurred by the view that Pancasila is a container and each can provide its contents. Therefore, various interpretations and versions of Pancasila developed, both from Islamic, Marxist, Christian, Catholic and national perspectives. The approach to Pancasila has also become complex, whether ideological, scientific, philosophical, or theological. The development of thinking about Pancasila was overwhelmed by the heterogeneity of interpretations of Pancasila with the inculcation of other ideologies into the interpretation of Pancasila, including especially the theme of revolution which became a vehicle for embedding Marxist interpretations of Pancasila.

The end of the Old Order Government in 1967, preceded by the issuance of the March Eleven Order, better known by its abbreviation Supersemar is a warrant signed by President Ir. Soekarno on March 11, 1966 which gave a mandate to Lieutenant General Soeharto, as Commander of the Security and Order Operations Command (Kopkamtib), to take all actions that were "deemed necessary" to overcome the poor security situation and government stability during the cleanup period after the September 30 Movement, and the issuance of MPRS Decree No. IX/MPRS/1966 and MPRS Decree No. XXXIII/MPRS/1967, then de jure switched the power of the Old Order Government to the New Order government.

The presence of the New Order Government made the direction of understanding of Pancasila begin to be corrected. Because in the Old Order Government there were many deviations. The New Order presented the idea of implementing Pancasila and the 1945 Constitution purely and consequently as the main theme of thought through social and state channels. This occurred in the 1966 MPRS General Session, the 1967 MPRS Special Session, the 1968 MPRS Session, the 1973 MPR RI Session, the 1978 MPR RI General Session, the 1983 MPR RI General Session, and in President Soeharto State of the Nation Address, before

the DPR-GR Session, on August 16, 1967, and was elaborated continuously in almost every state speech delivered by President Soeharto in the following period. The development of notions about Pancasila in this state line was supported formally and fully by the Government, ABRI (Indonesian Armed Force), and the Golongan Karya. Gradually the notions also occurred among political parties and formally Pancasila became a state reference, and its peak in the New Order Government Pancasila gained legitimacy, both as the Nation's view of life, the basis of the Republic of Indonesia, the source of the spirit of the Society and the Republic of Indonesia, as well as the source of legal order and the order of legislation based on MPRS Decree No. XX/MPRS/1966, MPR Decree No. IV/MPR-RI/1973 (GBHN). XX/MPRS/1966, MPR Decree No. IV/MPR-RI/1973 (GBHN), Decree No. II/MPR-RI/1978 (P4 or Eka Prasetya Pancakarsa), Decree No. IV/MPR-RI/1978 (GBHN), and Decree No. II/MPR/ 1983).

II. METHODOLOGY

This study was conducted using theoretical research. Theoretical research is a type of research in legal research used to conduct analysis to provide a critical perspective on the law. In addition, the approach used is a conceptual approach, which is a type of approach in legal research with the aim of providing an analytical point of view of solving problems in legal research from the aspect of the legal concepts behind it, or even from the values contained in the norm. Basically, this research method is in order to find conceptual ideas about the position of Pancasila and the 1945 Constitution of the Republic of Indonesia in the Indonesian state administration system. Pancasila in the State Administration System of the Republic of Indonesia.

III. RESULTS AND DISCUSSION

1. Pancasila in the State Constitution

Pancasila as the foundation of the Indonesian state and the 1945 Constitution as the Indonesian state constitution are basically an integral unit. In the Preamble of the 1945 Constitution there is a state foundation, namely Pancasila, which can be concluded that implementing the constitution is basically also implementing the state foundation. The basis of the state, namely Pancasila, which is clearly contained in the Indonesian state constitution, namely in paragraph 4 of the Preamble of the 1945 Constitution, which is basically a goal of the Indonesian people to realize a life of nation and state in accordance with the foundation of the Indonesian state.

In the life of the Indonesian nation, Pancasila is a philosophische grondslag and common platform or kalimatun sawa.¹ In the past, a problem arose that caused Pancasila is referred to as the fundamental norm of the State (staatsfundamentalnorm) using the theory of Hans Kelsen and Hans Nawiasky. Hans Kelsen's theory that has received much attention is the hierarchy of legal norms and the chain of validity that forms the legal pyramid. One of the figures who developed the theory was Hans Kelsen's student, Hans Nawiasky. Nawiasky's theory is called *theorie von stufenbau der rechtsordnung*,² the arrangement of norms according to the theory is:

1. The fundamental norm of the state (Staatsfundamentalnorm).

¹ Jimly Asshiddiqie, *Ideologi, Pancasila dan Konstitusi*, (Mahkamah Konstitusi Republik Indonesia, 2009), hlm. 10.

² *Ibid.*

2. The basic rules of the state (Staatsgrundgesetz).
3. Formal law (Formell gesetz).
4. Implementing regulations and autonomous regulations (Verordnung en autonome satzung).

The establishment of Pancasila as a Staatsfundamentalnorn was first proposed by Notonagoro. This position requires that the formation of positive law is to achieve the ideas in Pancasila, and can be used to test positive law. With the establishment of Pancasila as a Staatsfundamentalnorn, the formation of law, application, and implementation cannot be separated from the values of Pancasila. By placing Pancasila as a Staatsfundamentalnorn, the position of Pancasila is above the Constitution. Pancasila is not included in the definition of the constitution, because it is above the constitution. In Ir. Soekarno's speech, it was mentioned that the basis of the state as Filosofische Grondslag as the fundamen, philosophy, deepest thoughts on which the building of the Indonesian state will be established. Ir. Soekarno also called it the Weltanschauung or view of life. Pancasila is the five foundations or five principles. If the problem of the state foundation was mentioned by Soekarno as Filosofische Grondslag or Weltanschauung, then the result of these trials was the Jakarta Charter which was later called the Preamble to the 1945 Constitution, which is the Filosofische Grondslag and Weltanschauung of the Indonesian nation.³ All the values and principles in the 1945 Constitution are the basis of the Indonesian state which includes Pancasila. Thus, implementing the constitution or the 1945 Constitution has basically implemented the basis of the state, namely Pancasila, which has been contained in the constitution, namely in the Preamble of the 1945 Constitution.

2. History of the birth of Pancasila

On August 14, 1945 before the defeat of the Emperor of Japan to the Allies, the Indonesian Independence Preparation Investigation Board (BPUPKI) held two official sessions and one unofficial session which all took place in Jakarta. The official session was held to discuss the issues of state foundation, state territory, citizenship and the draft Constitution led by the chairman of the BPUPKI Dr. KRT. Radjiman Wedyodiningrat. The first session took place from 28 May to 1 June 1945 which discussed the state foundation while the second session took place between 10 and 17 July 1945 which discussed the form of the state, state territory, citizenship, draft Constitution, financial economy, defense, and teaching.⁴

The Investigative The Board of Inquiry Efforts Preparation of Indonesian Independence (BPUPKI) held an unofficial session that took place during the recess between the first and second sessions which was only attended by 38 BPUPKI members. The session discussed the draft preamble of the 1945 Constitution, which was chaired by a member of the BPUPKI, Ir. Soekarno. Regarding the sessions of the Preparatory Committee for Indonesian Independence (PPKI) until now, it can be said that it does not invite debate, this is different from the session of the Investigative Board for Preparatory Efforts for Indonesian Independence (BPUPKI), in the four-day session there were many opinions regarding the basis of an independent Indonesia, from these opinions Mr. Muhammad Yamin's speech on 29 May 1945, Muhammad Hatta's speech on 30 May, Seopomo on 31 May, and Ir. Soekarno made a speech on 1 June 1945.⁵

On May 29, 1945 Mr. Muhammad Yamin in his speech proposed several state foundations. His thoughts were summarized in one title, namely the Principles and Foundations of the National State of the Republic of Indonesia, the essence of which is as follows:

³ *Ibid.*

⁴ Sutrisno Kutoyo, Mr. Muhammad Yamin, *Cita-cita dan Perjuangan seorang Bapak Bangsa*, (Jakarta: Mutiara Sumber Wijaya, 2004), hlm. 148.

⁵ Endang Saifuddin Anshari, *Piagam Jakarta 22 Juni 1945*, (Bandung: Pustaka Salman, 1981), hlm. 25.

1. Nationality
2. Humanity
3. Divine Principle
4. Democracy
5. People's Welfare

After a fierce and tough debate, The Board of Inquiry Efforts Preparation of Indonesian Independence (BPUPKI) held another session and formed a small committee called committee nine, consisting of KH. A. Wahid Hasyim, Haji Agus Salim, Abikoesno Tjokrosoejoso, Abdul Kahar Muzakkir, Soekarno, Muhammad Hatta, Mr. Muhammad Yamin, Ahmad Soebarjo and A.A. Maramis which finally produced an agreement signed by all members on June 22, 1945. Muhammad Yamin, Ahmad Soebarjo and A.A. Maramis which eventually resulted in an agreement signed by all members on June 22, 1945, and written down in a charter called by Mr. Muhammad Yamin by the name of The Djakarta Charter, and termed by Sukiman by the name of Gentleman's Agreement. It is now better known as the Jakarta Charter.

Based on the Session of The Board of Inquiry Efforts Preparation of Indonesian Independence (BPUPKI), the Jakarta Charter was accepted by all members of The Board of Inquiry Efforts Preparation of Indonesian Independence (BPUPKI), even agreed to be used as the Preamble (Preamble) of the 1945 Constitution or the Declaration of Indonesian Independence, which contains the formulation of Pancasila with the following editorial composition and systematics:

1. Deity with the obligation to implement Islamic Sharia for its adherents
2. Fair and civilized humanity
3. Indonesian Unity
4. Democracy led by wisdom in deliberation and representation
5. Social justice for all the people of Indonesia

6. The founding fathers of this nation agreed that Indonesia is not a religious state but rather a state of
The founders of this nation agreed that Indonesia is not a religious country but a country that recognize the existence of religion. This is proven by the rebellion of PKI, DII, NII which was successfully suppressed because Indonesia is also a middle country, namely a country that does not adhere to leftism and rightism. The founders of this nation knew that even though Indonesia is predominantly Muslim, the Indonesian people are heterogeneous, various tribes, races and religions exist in Indonesia.⁶ This is rightly done by Indonesia, which does not adhere to one ideology, either the left ideology, or the right ideology, which if Indonesia adheres to the right ideology will separate itself. If Indonesia adheres to a religious state then eastern Indonesia will secede, because the eastern part of the religion is not other than Islam. Although Indonesia is not a religious state, all religions in Indonesia are recognized and treated well with each other. The fundamental nature of Indonesia is the result of mutual agreement between religious people and society as a whole. In addition, religious leaders can also integrate the concept of nationalism into the joints of religion. Islam itself has KH Hasyim Azhari who was able to combine Islam with nationalism, which was a new concept of nationalism circulating at that time. In the past, Muslims only recognized the concept of caliphate and kingdom while the concept of nationalism was not yet clear. Through the concept of nationalism, all religious people must accept each other that Indonesia is all religious people. A sense of nationalism must be instilled in every child of the nation. Defending the homeland must also prioritize

⁶Ibid, hlm. 35.

tolerance among the nation's children. Indonesia is one of the rich and prosperous countries, because it is rich, Europeans have always colonized it, including Japan, which used Indonesia to become its ally. The struggle of the Indonesian people for independence is very strong, we are an independent nation as a result of the efforts of heroes who have sacrificed their bodies and souls. Their slogans echoed throughout, nationalists and religious leaders also fought to liberate the Indonesian nation.⁷

In the Jakarta Charter, Indonesia eliminated Islamic law in the first principle. However, this does not mean that Indonesia is anti-Islamic law. This is evident in many laws regulating Islamic sharia relating to muamalah and worship. This is *ijtihad*, which the Indonesian nation is a unity. Pancasila is able to unite various religions and ideologies so that we are not trapped in sectarian wars. As for Pancasila as the final ideology, it requires great sweat and struggle starting from the debate in the constituent assembly between the Muslim and nationalist factions so that a middle way must be found so that the Indonesian ideology can unite all the children of the nation. Indonesian independence was not a gift from the colonizers even though when Japan came to Indonesia to expel the Dutch, they promised that Indonesian independence would be given to the people after Japan defeated the Dutch. The events of Hiroshima and Nagasaki that finally made Japan have to withdraw from Indonesia, causing a colonial vacuum that finally made the leaders to immediately announce Indonesia's independence. Soekarno delivered a long and textless speech in front of the session of The Board of Inquiry Efforts Preparation of Indonesian Independence (BPUPKI), Ir. Soekarno was known as a master orator whose way of thinking was very articulate and the way he conveyed his ideas and ideas was very expressive and captivated his listeners.⁸

In his speech that attracted the attention of the members of The Board of Inquiry Efforts Preparation of Indonesian Independence (BPUPKI) as an important religiously neutral nationalist figure, Soekarno proposed five foundations called Pancasila. However, it was not finalized so that the discussion continued again, which at that time the members of The Board of Inquiry Efforts Preparation of Indonesian Independence (BPUPKI) were divided into two groups where previously the national group had expressed its opinion. One of the Islamic figures was Muhammad Natsir who said that Indonesian independence was one of the ideals of the Islamic struggle to implement the teachings of Islamic law, which eventually became a common thread. To support this argument, the Muslim faction often mentioned the names of Muslim fighters such as Sultan Habibullah of Ternate, Sultan Hasanuddin of Makassar, Prince Diponegoro, Imam Bonjol, Teuku Umar, and others who were Islamic fighters in the archipelago. The religion-neutral nationalist faction said that Indonesia never had the experience of establishing Islamic law in a nationalist manner, as Islamic law was only implemented in local Islamic kingdoms. Despite the tough debate, the formulation of Pancasila remained the choice and then the Nine committee was formed, where all of them presented arguments containing the basis that we know as the Jakarta Charter.

According to the Jakarta Charter, Muslims in Indonesia have the opportunity to carry out the ideology of Pancasila while still upholding Islamic law, but finally the talks continued before Indonesia's independence by holding a second session until Indonesia finally proclaimed independence. On July 10-17, 1945, The Board of Inquiry Efforts Preparation of Indonesian Independence (BPUPKI) held a second session with the agenda of discussing the draft constitution. A Constitution Drafting Committee was formed, chaired by Ir. Soekarno. The committee formed a small group of seven members who specifically formulated the draft

⁷ Ardiansyah, *Islam Berdialog dengan Zaman*, (Jakarta: Elex Media Komputindo, 2018), hlm. 23.

⁸ *Ibid*, hlm. 27.

Constitution. This small group was chaired by Mr. Soepomo with members Wongsonegoro, Ahmad Soebardjo, Singgih, H. Agus Salim, and Sukiman. The results were refined by the Language Refinement committee consisting of Husein Jayadiningrat, H. Agus Salim, and Mr. Soepomo.

In the second session, Soekarno reported the work of the drafting committee to all members of the session, which contained three main points, namely the statement of Indonesia's independence, the preamble of the constitution, and the constitution (body). Then the session recompiled the Constitution based on the work of the previous Constitutional Drafting Committee, and on July 17, 1945 the report on the work of the drafting of the Constitution and the report were accepted by the plenary session of The Board of Inquiry Efforts Preparation of Indonesian Independence (BPUPKI).⁹ This report on the formulation of Pancasila is an official decision of the Second Session of The Board of Inquiry Efforts Preparation of Indonesian Independence (BPUPKI) held in the second week of July 1945 and was accepted with applause by all members of The Board of Inquiry Efforts Preparation of Indonesian Independence (BPUPKI), even agreed to be used as the Preamble (Preamble) of the 1945 Constitution or the Declaration of Indonesian Independence. The formulation is an official decision as well as a National Consensus agreed upon by the Founding Fathers of the State of Indonesia.

The formulation of Pancasila implies that the discourse of the Pancasila formulation put forward by Ir. Soekarno is Soekarno's personal opinion which was discussed through his speech in the First Session of The Board of Inquiry Efforts Preparation of Indonesian Independence (BPUPKI), and has not yet become a trial decision. That the formulation of Pancasila I was decided through the Second Session of The Board of Inquiry Efforts Preparation of Indonesian Independence (BPUPKI) so that it became the official decision of the session, and stated that the formulation was the first formulation agreed upon by the founding fathers of the Indonesian state. After the session decided, a few weeks later the process was continued to proclaim as a preparation for ratification which was marked by the proclamation of independence for the Indonesian people which was the forerunner of the birth of Indonesian independence.

The Board of Inquiry Efforts Preparation of Indonesian Independence (BPUPKI) on August 7, 1945 was dissolved, instead the Japanese occupation government formed PPKI (The Preparatory Committee for Indonesia's Independence) which was formed on August 7, 1945 as well and chaired by Ir. Soekarno with vice Chairman Muhammad Hatta and immediately held a session to amend the 1945 Constitution that had been made and determined by the previous The Board of Inquiry Efforts Preparation of Indonesian Independence (BPUPKI). A total of 21 people were elected as members of PPKI, who were elected not only limited to representatives from Java but also from various islands, namely: 12 representatives from Java, 3 representatives from Sumatra, 2 representatives from Sulawesi, one from Kalimantan, one from Lesser Sunda (Nusa Tenggara), one from Maluku and one from the Chinese population. Ir. Soekarno was appointed as the chairman of PPKI and Drs. Muhammad Hatta was appointed as his vice chairman, while Mr. Ahmad Subardjo was appointed as his advisor. To the PPKI members, Gunseikan Major General Yamamoto emphasized that the PPKI members were people who would be handpicked by General Terauci, who was then the supreme warlord in all of Southeast Asia.

In order to make the appointment, General Terauci summoned three National Movement figures, namely Ir. Soekarno, Drs. Muhammad. Hatta and Dr. Radjiman Wedyoningrat. On August 9, 1945 they left for Terauci's headquarters in Dalat, South Vietnam. During the meeting in Dalat on August 12, 1945, General

⁹ *Ibid*, hlm. 27.

Terauci told the three leaders that the Imperial Government had decided to grant independence to Indonesia.

¹⁰ The implementation could be carried out as soon as the preparations were completed by PPKI. Indonesia's territory would include all of the former Dutch East Indies. When the three leaders left for Jakarta on August 14, 1945, Japan had been atomically bombed by the Allies in the cities of Hiroshima and Nagasaki. Even the Soviet Union reneged on its promise and declared war on Japan while invading Manchuria. It was thus foreseeable that Japan's defeat would be imminent. ¹¹

3. Events Around the Proclamation

On August 15, 1945 was the day when the news of Japan's defeat was answered, the Allies announced that Japan had surrendered unconditionally and the war had ended. The news was received through radio broadcasts in Jakarta by youths such as Chaerul Saleh, Abubakar Lubis, Wikana, and others. The surrender of Japan to the Allies confronted Indonesian leaders with a severe problem, Indonesia experienced a vacuum of power. Japan was still in power over Indonesia despite its surrender, while the Allied troops who would replace them had not yet arrived. The Gunseikan had received specific orders to maintain the status quo until the arrival of the Allied forces. A conflict arose due to the power vacuum between the young and the old over the issue of Indonesian independence. The young faction wanted the proclamation of independence to be announced immediately. They included Sukarni, B.M Diah, Yusuf Kunto, Wikana, Sayuti Melik, Adam Malik, and Chaerul Saleh. Meanwhile, the old group wanted the proclamation of independence to be discussed first with PPKI members. They were Ir. Soekarno, Drs. Muhammad. Hatta, Mr. Ahmad Subardjo, Mr. Muhammad. Yamin, Dr. Buntaran, Dr. Syamsi and Mr. Iwa Kusumasumantri. All relationships and promises of independence must be broken. and instead it is necessary to hold negotiations with Ir. Soekarno and Muhammad Hatta so that the youth group is included in declaring the proclamation. ¹²

The youth secured Soekarno-Hatta and went to Rengas Dengklok, among others, so that the two figures would not be influenced by the Japanese, and urged them to immediately proclaim Indonesia's independence regardless of all ties with Japan so that it was known that this was the effort and hard struggle of the Indonesian people. On Thursday, August 16, 1945, the group of youths who had brought Ir. Soekarno and Drs. Muhammad Hatta moved eastward, namely to Rengasdengklok. ¹³ Rengasdengklok is a district town located in the north of Karawang. The Rengasdengklok area happened to have been controlled by PETA troops under the leadership of Shudanco Singgih. Therefore, security in Rengasdengklok was more assured. Thursday, August 16, 1945, the group of Ir. Soekarno and Drs. Muhammad Hatta arrived at Rengasdengklok. In Rengasdengklok Bung Karno and Bung Hatta were still not willing to declare Indonesia's independence that day. Yusuf Kunto, who acted as a liaison, returned to Jakarta to find out the development of the situation. The PPKI session was scheduled for August 16, 1945 but Bung Karno and Bung Hatta and the deputy chairman of PPKI did not attend because conditions in Jakarta were getting heated. Ahmad Subarjo tried to find and meet Yusuf Kunto. Ahmad Subarjo and Yusuf Kunto went to Rengasdengklok to pick up Ir. Soekarno and Drs. Muhammad Hatta and their entourage. Ahmad Subarjo urged the youth to help Soekarno and Hatta return to Jakarta, and gave guarantees to the youth. He stated

¹⁰Muhammad Hatta, *Sekitar Proklamasi*, (Djakarta: Tintamas, 1969), hlm.18.

¹¹ *Ibid*, hlm. 23.

¹²Nugroho Notosusanto, *Naskah Proklamasi yang Otentik dan Rumusan Pancasila yang Otentik*, (Jakarta: Tinta Mas,1976), hlm. 47.

¹³*Ibid*, hlm. 50.

that the Proclamation of Independence would be carried out on August 17, 1945 if Bung Karno and Bung Hatta could return at that time. Ahmad Subardjo said, if until 12.00 the proclamation had not yet occurred, his life would be a guarantee. Finally, Ir. Soekarno and Drs. Muhammad Hatta and their entourage returned to Jakarta.¹⁴

On August 16, 1945 at 23.00 WIB at night, Bung Karno and Bung Hatta and their entourage arrived in Jakarta. After delivering Mrs. Fatmawati and Guntur, Bung Karno and his friends went to Admiral Maeda's house. At Maeda's house they gathered PPKI members and movement figures and youths. Before holding a meeting at Admiral Maeda's house, Soekarno and Muhammad Hatta previously went to see the leader of the Japanese army, Major General Nashimura to express his opinion and attitude about the Proclamation of Indonesian independence. Nashimura said he was not responsible and left it to Soekarno and Muhammad Hatta. Knowing the Japanese leader's attitude, they immediately held a meeting. Soekarno, Muhammad Hatta, and Ahmad Subarjo then entered a room (Maeda family dining room) followed by Sukarni, Sayuti Malik, and B.M. Diah. In the dining room of the Maeda family, Ir. Soekarno, Drs. Muhammad. Hatta, and Ahmad Soebarjo formulated the text of the Proclamation. The formulation was witnessed by Sukarni, Sayuti Melik, B.M. Diah. After everyone agreed, the draft text of the Proclamation was handed over to Sayuti Malik to be typed. The proclamation text typed by Sayuti Melik is what is known as the authentic (official) proclamation text.¹⁵

4. Proclamation of Indonesian Independence

The yard of Bung Karno's house on Jalan Pegangsaan Timur No.56 has been very busy since morning. Suwiryo as Deputy Mayor of Jakarta looked busy. Suhud, a member of the Barisan Pelopor was assigned to find a flagpole and prepare a Red and White flag for the flagpole using a piece of bamboo while the Red and White flag was obtained from Mrs. Fatmawati which she sewed herself. At 10:00 a.m. the event began and was opened with a speech by Ir. Soekarno as an introduction. Next, Ir. Soekarno read the text of the proclamation which had been signed by Ir. Soekarno and Muhammad Hatta. After the reading of the proclamation, the Red and White flag was raised. The raising of the Red and White flag was carried out by a former PETA commander, Latif Hendraningrat, assisted by S. Suhud. Without being commanded, along with the raising of the Red and White flag, the audience sang the Indonesia Raya song composed by W.R. Supratman. The news of the proclamation was disseminated quickly to all levels of society around Jakarta, especially among the youth. The text of the proclamation that had been formulated on 17 August 1945 was smuggled to the Japanese news center, Domei (now Antara News Agency). Domei News Agency journalist Syahrudin managed to smuggle the proclamation text and was received by the Head of Radio, Waidan B. Palenewen for immediate broadcast.¹⁶

The head of the Japanese army in Java immediately ordered to rectify the news of the proclamation and declare it as a mistake so that it would not have a wide impact. Although the Domei News office was sealed, the youth did not lose their minds, they built a new transmitter with the help of radio technicians, such as Sukarman, Sutanto Susiloharjo, and Suhandar. The radio transmitters taken from the Domei News Office were partly taken to the house of Waidan B. At Menteng No. 31, the youths assembled a new radio transmitter with the call code WK 1. From this radio transmitter, news of the proclamation continued to be

¹⁴ Mohammad Hatta, *Sekitar Proklamasi 17 Agustus 1945*, (Jakarta: Tinta Mas, 1970), hlm. 27.

¹⁵ Ibid, hlm. 30.

¹⁶ Ibid, hlm. 45.

broadcast. Indonesian figures who worked at the Japanese radio station and were instrumental in spreading the news of the proclamation included Maladi, Yusuf Ronodipuro, Sakti Alamsyah and Suryodipuro. News of the proclamation of Indonesian independence was also spread through several newspapers.

Soeara Asia in Surabaya was the first newspaper to broadcast the proclamation. After the proclamation was announced on the first day, the founding fathers held another session, on August 18, 1945, to discuss the constitution of the State of Indonesia using the Jakarta Charter that had been approved by the Investigation Board for Preparatory Efforts for Indonesian Independence (BPUPKI). However, before the session began, Drs. Mohammad Hatta and several Islamic leaders held their own discussions to find a solution to the problem in the sentence "Godhead with the obligation to carry out Islamic law for its adherents". This was done to maintain the unity and integrity of the Indonesian nation, with the approval of the changes, the first session of PPKI, the results of the work of the Investigation Board for Preparatory Efforts for Indonesian Independence (BPUPKI) were discussed again, in the discussion there were proposals for changes put forward by the Hatta group. The proposed changes to the first principle, which originally read God with the obligation to carry out Islamic law for its adherents, were changed to God Almighty. Changes to Chapter II of the Constitution Article 6, which originally read that the President was an Indonesian who was Muslim, was changed to the President was an indigenous Indonesian. All of these proposals were accepted by the session participants, showing that they were very concerned about national unity and integrity. After being perfected by PPKI, it was ratified as the Constitution of the State of Indonesia. The Constitution was later known as the 1945 Constitution.¹⁷

In the news of the Republic of Indonesia in the 2nd year No. 7 of 1946 on pages 45-48 the Constitution of the State of Indonesia was announced. The systematics of the 1945 Constitution consists of the following, namely the Preamble of the 1945 Constitution consists of four paragraphs, in the 4th Alenia of the 1945 Constitution, Pancasila is listed as the basis of the written State as we know it today. The basic formulation of the independent Indonesian State is:

1. The One True God.
2. Just and civilized humanity.
3. Indonesian unity.
4. Democracy led by wisdom in deliberation/representation. Social justice for all the people of Indonesia.

The Preparatory Committee for Indonesian Independence continued the session, members of Committee Nine who formulated the Jakarta Charter, only 4 (four) people were included in PPKI, namely: Soekarno, Muhammad Hatta, Ahmad Soebardjo and Wahid Hasyim. The existence of the 1945 Constitution was announced in the news of the Republic of Indonesia in the 2nd year No.7 of 1946 on pages 45-48. The systematics of the 1945 Constitution consists of the following, namely the Preamble of the 1945 Constitution consists of four paragraphs, in the 4th Alenia of the 1945 Constitution, Pancasila is listed as the basis of the written State as we know it today. The basic formulation of the independent Indonesian State is:

1. The One True God.

¹⁷ Safroedin Bahar, *Risalah Sidang Badan Penyelidik Usaha-usaha Persiapan Kemerdekaan Indonesia*, (Jakarta: Sekretariat Negeri RI, 1995), hlm. 91.

2. Just and civilized humanity.
3. Indonesian unity.
4. Democracy led by wisdom in deliberation/representation. Social justice for all the people of Indonesia.

Through the PPKI Session on August 18, 1945 Muhammad Hatta submitted four proposals and the details are as follows:

1. The word "Mukaddimah" is replaced with the word "Preamble".
2. In the Preamble of the 1945 Constitution, which is none other than the Jakarta Charter, the clause: "based on Godhead with the obligation to implement Islamic Sharia for its adherents" is changed to "based on God Almighty".
3. Article 6 paragraph 1 which reads: "The President shall be a native Indonesian and a Muslim" is changed to "The President shall be a native Indonesian".
4. Article 29 paragraph 1 which reads: "The State is based on Godhead with the obligation to implement Islamic Sharia for its adherents" is changed to "The State is based on One Godhead".¹⁸

Finally, through the PPKI Session on August 18, 1945, which lasted only a few hours, Muhammad Hatta's proposal was accepted. So that the editorial of the Preamble to the 1945 Constitution was changed to:

*"Whereas independence is the right of all nations, and for this reason, colonialism on earth must be abolished, as it is not in accordance with the principles of humanity and justice. And the struggle of the Indonesian independence movement has come to a happy moment, safely bringing the Indonesian people to the front gate of the Indonesian State, which is independent, united, sovereign, just and prosperous. By the grace of Almighty God, and motivated by the noble desire for a free national life, the people of Indonesia hereby declare their independence. Then, in order to form a government of the Independent State of Indonesia that protects the entire Indonesian nation and the entire Indonesian blood spill, and to advance the general welfare, educate the nation's life, and participate in implementing world order based on independence, lasting peace and social justice, the Indonesian national independence is compiled in a state structure of the Republic of Indonesia, which is sovereignty of the people, based on: God Almighty, according to the basis of a just and civilized humanity, Indonesian unity, and democracy led by wisdom in deliberation and representation and by realizing a social justice for all Indonesian people."*¹⁹

By paying attention to the content of the Preamble of the 1945 Constitution as a result of the PPKI Session on August 18, 1945, we get the Pancasila Formulation with the editorial composition and systematic structure as follows:

1. God Almighty
2. Just and civilized humanity
3. Indonesian Unity
4. Democracy led by wisdom in deliberation - representative
5. Social justice for all the people of Indonesia

The Proclamation of Independence of the Republic of Indonesia on August 17, 1945 angered the Dutch government, after the defeat of Japan by the allied forces, the Dutch government felt it had the greatest right to take over Indonesia from the hands of the Japanese government. In order to regain control of Indonesia,

¹⁸Nugroho Notokusanto, *Proses Perumusan Pancasila Dasar Negara*, (Jakarta: Balai Pustaka, 1981), hlm. 36.

¹⁹ Ibid, hlm. 41.

the Dutch launched two acts of aggression against the Republic of Indonesia, the first on July 21, 1947, and the second on December 18, 1948. Through the first act of aggression, the Dutch occupied Jakarta, Bandung and West Java, as well as Semarang, Surabaya and Madura. They also controlled Medan, Palembang and Padang. At the appeal of the United Nations, on August 4, 1947, a ceasefire was made between the Dutch and the Indonesian republic.

Furthermore, in January 1948²⁰ the Dutch-Republic of Indonesia negotiations were held on board the USS Renville, which gave birth to the Renville agreement. During the attack the Dutch government successively established federal states in the occupied territories. By July 1948, the Netherlands had formed a provisional government for Indonesia in the form of a federal government, appointing Van Mook as President. The Dutch formed the *Bijeenkomst voor Federale Overleg* (BFO), the Federal Consultative Assembly. The federal states formed by the Dutch government reached 5 (five) countries, including:

1. The State of East Sumatra was formed in December 1947.
2. The State of Madura was formed in February 1948.
3. The State of West Java (Pasundan) was formed in February 1948.
4. South Sumatra State was formed in September 1948.
5. East Java State was formed in November 1948.

The Republic of Indonesia was in turmoil due to pressure not only from the Dutch but also from the PKI (Indonesian Communist Party) rebels in Surakarta and Madiun in September 1948. The Dutch also took advantage of the chaos that occurred in the Republic of Indonesia by launching an attack on December 18, 1948 to capture Yogyakarta and within a day. On December 19, 1948 Yogyakarta fell into Dutch hands, many leaders of the Republic of Indonesia were arrested at that time, among others: Soekarno, Muhammad Hatta, Syahrir, and Agus Salim. Thus causing a government vacuum, the President and almost all cabinet members of the Republic of Indonesia were arrested by the Dutch, so the Emergency Government of the Republic of Indonesia was formed with Mr. Syafruddin Prawiranegara as President. Very strong Dutch pressure succeeded in forcing the Republic of Indonesia to the negotiating table. Through the Room-Van Royen statement on May 7, 1949, the Dutch returned Soekarno and Muhammad Hatta and their friends to Yogyakarta from their exile in Bangka. Furthermore, the Republic of Indonesia (RI) and *Bijeenkomst voor Federale Overleg* (BFO) participated in the Round Table Conference in The Hague from August 23 to November 2, 1949.

Furthermore, on 14 December 1949, the House of Representatives and the Government of Indonesia legalized the Agreement Charter as the Constitution. The preamble of the RIS Constitution reads as follows:

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"We, the Indonesian people, have been united in the struggle for independence for decades, always with a firm intention of occupying the right to live as an independent and sovereign nation. Now, with the blessing and grace of God, we have reached a happy and noble stage of history. Therefore, we hereby organize our independence in a state charter in the form of a Republic-Federation, based on the recognition of: Belief in One God, Humanity, Nationality, Democracy, and Social Justice to realize happiness, prosperity, peace, and freedom in the society and state of law of a perfectly sovereign independent Indonesia." ²²

²⁰ Suyitno, *Konsep Negara, Jakarta*, (Bumi Aksara, 2001), hlm. 25.

²¹ Ibid, hlm. 29.

²² Ibid, hlm. 40.

By paying attention to the contents of the Preamble of the RIS Constitution on October 29, 1949 above, we get the Pancasila Formulation with the following editorial composition and systematics:

1. God Almighty
2. Humanity
3. Nationality
4. Democracy
5. Social Justice

This is the formulation of the state foundation which, when compared to previous formulations, has undergone many editorial changes. The United Republic of Indonesia (RIS), which was established on October 29, 1949 through the Round Table Conference, did not last long, even less than a year. On April 3, 1950, Muhammad Natsir and his friends in the Federal House of Representatives appeared to submit a proposal which became known as the Natsir Integral Proposal. On the same day, the proposal was granted by the Federal Parliament and then, on May 19, 1950, the RIS-RI Conference was held which agreed to form the Unitary State of the Republic of Indonesia (NKRI). On July 20, 1950, the Provisional Constitution of the Republic of Indonesia 1950 was approved, which was only ratified on August 14, 1950. The preamble of the Provisional Constitution of 1950 reads as follows:

"Whereas independence is the right of all nations, and for this reason, colonialism on earth must be abolished, as it is not in accordance with the principles of humanity and justice. And the struggle of the Indonesian independence movement has come to a happy moment, safely bringing the Indonesian people to the front gate of the Indonesian State, which is independent, united, sovereign, just and prosperous. With the blessing and grace of God, we have reached a happy and sublime stage of history. Therefore, we hereby organize our independence in a state charter in the form of a Republic-Federation, based on the recognition of: Belief in One God, Humanity, Nationality, Democracy, and Social Justice. To realize happiness, prosperity, peace, and freedom in society and a perfectly sovereign independent Indonesian state of law".²³

In accordance with the mandate of the 1950 Constitution chapter V article 134 which states:

"The Constituent Assembly together with the Government shall as soon as possible establish the Constitution of the Republic of Indonesia which shall replace this Provisional Constitution".

On December 15, 1955, for the first time, general elections were held to form the Constituent Assembly. Furthermore, the Constituent Assembly that was formed conducted sessions to make the Constitution. In the process of formulating the Pancasila this time, the attitude of the Constituent Assembly was divided:

Islamic group

This group consisted of Masyumi, Nahdhotul Ulama, PSII, Parti, Akui, Gerpis and they wanted the formulation of Pancasila in accordance with the formulation written in the Jakarta Charter on June 22, 1945.

Nationality Group

This group consists of PNI, PKI, Parkindo, Catholic Party, PSI, IPKI and several small parties. They wanted the formulation of Pancasila in accordance with the formulation written in the Constitution of August 18, 1945.

However, the votes of each group in the Constituent Assembly did not reach the quorum, namely 2/3 (two-thirds) of the number of votes present, so the session experienced a deadlock. This fact prompted President

²³ Ibid, hlm. 63.

Soekarno, as Commander-in-Chief of the Indonesian Armed Forces, to issue the Presidential Decree of July 5, 1959, which contained the following contents

We, the President of the Republic of Indonesia/Commander-in-Chief of the Armed Forces, hereby solemnly declare: That the recommendation of the President and the Government to return to the 1945 Constitution, which was conveyed to all Indonesian people by the Presidential Mandate on April 22, 1959, did not receive a decision from the Constituent Assembly as stipulated in the Provisional Constitution;

Whereas in view of the declaration of the majority of the members of the Constitution-Making Council that they would no longer attend sessions, it was no longer possible for the Constituent Assembly to complete the task entrusted to it by the people;

Whereas such a situation has led to a state of constitutional affairs which jeopardizes the unity and safety of the state, nation and people, and hinders the universal development to achieve a just and prosperous society;

Whereas with the support of the majority of the Indonesian people and driven by our own conviction, we are compelled to take the only way to save the proclaimed state; Whereas we are convinced that the Jakarta Charter dated 22 June 1945 animates the 1945 Constitution and is a unitary series with the said constitution, therefore, on the basis of the foregoing, We, the President of the Republic of Indonesia / Supreme Commander of the Armed Forces, Decree the dissolution of the Constituent Assembly; Whereas the 1945 Constitution shall once again apply to the entire Indonesian nation and the entire Indonesian blood spill, as of the date of the decree, and the Provisional Constitution shall no longer apply. The establishment of the Provisional People's Consultative Assembly, consisting of members of the House of Representatives plus delegates from the regions and groups and the establishment of the Provisional Supreme Consultative Council, shall be held within the shortest possible time.

Enacted in Jakarta on July 5, 1959

On behalf of the people of Indonesia

We, the President of the Republic of Indonesia/Commander-in-Chief of the Armed Forces

SOEKARNO

It is clear that the Presidential Decree of July 5, 1959 was an attempt by President Soekarno to mediate between the Islamic and secular groups. The content of the Decree not only stipulated the Pancasila Formulation in accordance with the Pancasila Formulation written in the Constitution of August 18, 1945, but also must be imbued with the Pancasila Formulation written in the Jakarta Charter of June 22, 1945.

1. Deity with the obligation to implement Islamic Sharia for its adherents
2. Fair and civilized humanity
3. Indonesian Unity
4. Democracy led by wisdom in representative Consultation
5. Social justice for all the people of Indonesia.

After paying careful and thorough attention to the formulation of the state foundation from the first session to the end. The statement of Mr. Muhammad Yamin as one of the signatories of the Jakarta Charter from the nationality group concluded that the teachings of the Pancasila philosophy as successively described in the opening words of the 1945 Constitution of the Republic of Indonesia, in the preamble of the 1949 Constitution of the Republic of Indonesia Union, and the 1950 Constitution of the Republic of Indonesia, were all derived from the Jakarta Charter on June 22, 1945 signed by nine prominent Indonesians, as a

development of the life review of the Indonesian nation. The previous results have been agreed upon in the State sheet No.75 of 1959 and reaffirmed based on Presidential Instruction No.12 of 1968, namely: ²⁴

1. God Almighty
2. Just and civilized humanity
3. Indonesian Unity
4. Democracy led by wisdom in deliberation/representative
5. Social justice for all the people of Indonesia

From the description above, the author concludes that along with the history of the formation of the state foundation, namely Pancasila, it has experienced ups and downs and even changes in the basis of the state, the formulation of Pancasila as the basis of the state as the contents of the Jakarta Charter are in accordance with the contents of the July 5, 1959 decree which until now remains valid and has not changed.

5. The 1945 Constitution of the Republic of Indonesia as the State Constitution

A constitution is the basic law that guides the running of a country. A constitution can be a written basic law often called the Constitution, and can also be unwritten. The Constitution occupies the highest order of legislation in the state. In the context of state institutions, the constitution means the highest statement that determines, among other things, the highest sovereignty holder, state structure, form of state, form of government, legislative power, judicial power and various state institutions and the rights of the people. The constitution in its history of development has brought recognition to the existence of people's government. The constitution is a legitimizing text of the notion of popular sovereignty. The text is a social contract that binds every citizen in building the notion of popular sovereignty. ²⁵ When drafting a constitution, the basic values and norms that live in society and in the practice of state administration also influence the formulation of the text. Thus, the mystical atmosphere that is the philosophical, sociological, political and historical background of the juridical formulation of a provision of the basic law needs to be carefully understood, in order to best understand the provisions contained in the articles of the basic law. The need for a basic law text is a necessity. All countries have a constitution although, until recently, the UK and Israel were not known to have a written constitution. The constitutions of the UK and Israel were never drafted, but grew into constitutions in the experience of constitutional practice. The British constitution is a body of rules, customs, habits which determine the composition and powers of the organs of the state and which regulate the relations between the various organs of the state to each other, as well as the relations of the organs of the state to the following citizens according to Phillips Hood and Jackson. The validity of the constitution as basic law is based on the supreme power or principle of sovereignty adopted in a country. If the state adheres to the notion of popular sovereignty, the source of legitimacy of the constitution is the people. If the prevailing notion is the sovereignty of the king, the king determines the validity of a constitution. The constitution is the higher and most fundamental law because it is the source of legitimacy or the basis for authorization of other forms of law or legislation. In accordance with universal legal principles, for regulations below the constitution to be valid and enforced, they must not contradict the higher law. Such arrangements make the dynamics of power in the process of governance and state administration can be limited and controlled properly. Therefore, the notion of constitutionalism in a

²⁴ *Ibid*, hlm. 367.

²⁵ Sekretariat Jenderal MPR RI, *Empat Pilar Kehidupan Berbagai Berbangsa dan Bernegara*, (Jakarta: Sekretariat Jenderal MPR RI, 2021), hlm. 109.

country is a concept that should exist. The notion of constitutionalism originated from the use of the constitution as a law in the administration of the state. Constitutionalism regulates the implementation of the rule of law (rule of law) in the relationship between individuals and the government. Constitutionalism presents a situation that can foster a sense of security, because there are restrictions on the authority of the government that have been determined in advance. Constitutionalism carries out the limited state, so that the administration of the state and government is not arbitrary and this is stated and regulated explicitly in the articles of the constitution.

According to Jhon Alder and Daniel S. Lev, constitutionalism is an understanding of a limited state, in which official political power is surrounded by laws that will transform power into legally determined authority, so in essence, constitutionalism is a legal process that regulates the problem of sharing power and authority. In principle, constitutionalism is about the principle of limitation of power. Constitutionalism regulates two interrelated relationships, namely: first, the relationship between the government and citizens; and second, the relationship between one government institution and another. Therefore, usually the content of the constitution is intended to regulate three important things, namely determining the limitation of the power of state organs, regulating the relationship between state institutions with one another, and regulating the relationship of power between state institutions and citizens. The constitution determines the limitation of power as a function of constitutionalism, provides legitimacy to government power, and is an instrument to transfer authority from the original power holder (either the people in a democratic system or the king in a monarchical system) to the organs of state power.

Power is needed by the state because it provides essential powers for governance. However, it is necessary to be wary when power is concentrated in the hands of the ruler without being limited by the constitution. In accordance with the formulation of Article 1 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, "Sovereignty is vested in the people and exercised according to the Constitution". The article in question contains the notion of constitutionalism. The people who hold the highest sovereignty are bound by the constitution. The sovereignty of the people is exercised according to the Constitution. Therefore, the Constitution is the highest source of law that acts as a guideline and legal norms used as a source of law for laws and regulations that are below it. To uphold the notion of constitutionalism, a Constitutional Court was established, which is tasked with safeguarding the Constitution. The Constitutional Court, one of whose duties is to examine laws against the Constitution, is intended so that there are no laws that conflict with the 1945 Constitution of the Republic of Indonesia so that this provides confirmation that the constitution as the highest source of law is the culmination of all laws and regulations.

The 1945 Constitution of the Republic of Indonesia, which was drafted by the founding fathers of the country, experienced ups and downs in accordance with the political policies at that time. The periodization of validity illustrates that the constitution which is the foundation / basis in the life of the nation and state has really been tested by various events and conditions of the nation in accordance with the historical dynamics that took place at that time. The 1945 Constitution of the Republic of Indonesia as amended from 1999 to 2002 is a unified series of formulations of Indonesian basic law. Its substance includes normative foundations that function as a means of controlling deviations and irregularities in the dynamics of the times as well as a means of renewing society towards the nation's collective ideals. Learning from the shortcomings of political democracy systems in various countries in the world, which make the basic law only a political constitution, the 1945 Constitution of the Republic of Indonesia also contains the basic ideas of economic democracy and social democracy. As a basic law, the formulation of its contents is organized

systematically starting from general and fundamental principles, followed by the formulation of the principles of power in each of its branches which are arranged sequentially. The articles and paragraphs are formulated in a level of abstraction that is in accordance with its nature as a basic law and is open in nature, allowing it to accommodate the dynamics of the times. Nevertheless, although the formulation of the basic law is outline in nature, it must be structured so that the provisions regulated are not multi-interpretation so that they cannot be interpreted arbitrarily by state administrators.

Therefore, the most important thing is the spirit and political will of the state administrators. If state administrators do not have a democratic spirit and do not have the determination and commitment to realize democracy in the practice of state administration or only make it as rhetoric, articles that clearly determine the existence of democracy will not be realized. However, if the spirit of the state administrators is clean and sincere in implementing the constitution, then the shortcomings in the formulation of the articles of the basic law will not hinder the course of state administration as well as possible towards the realization of the ideals of the nation based on the Pancasila state foundation as formulated in the Preamble of the 1945 Constitution of the Republic of Indonesia.

6. History of the Enactment of the Constitution

(1) The 1945 Constitution Period (August 18, 1945-December 27, 1949)

The Republic of Indonesia did not have a constitution when Indonesian independence was proclaimed. The Constitution of the Republic of Indonesia was ratified and established by PPKI on Saturday, August 18, 1945, one day after the Proclamation. The Investigative Body for Preparatory Efforts for Indonesian Independence (BPUPKI) held a session to discuss the Constitution, the first session on May 29-June 1, 1945 and the second session on July 10-17, 1945. The first session discussed the basis of the state while the discussion of the draft constitution was carried out in the second session. In the second session, a Basic Law Committee was formed in charge of drafting the basic law, the Committee consisted of 19 members chaired by Ir. Soekarno. This committee then formed a Small Committee in charge of making the formulation of the draft basic law by taking into account the results of discussions in the sessions of the Investigative Body for Preparatory Efforts for Indonesian Independence (BPUPKI) and meetings of the Basic Law Committee.

The small committee consisted of seven people, Mr. Soepomo as chairman and members Mr. Wongsonegoro, R. Sukardjo, Mr. A. Maramis, Mr. R. Pandji Singgih, H. Agus Salim, and Dr. Sukiman. This Small Committee completed its work and submitted a report on the draft constitution to the Basic Law Committee on July 13, 1945. After several sessions, on July 17, 1945, the Investigative Body for Preparatory Efforts for Indonesian Independence (BPUPKI) accepted and approved the formulation as the Draft Constitution. After the Investigative Board for Preparatory Efforts for Indonesian Independence (BPUPKI) completed its tasks, the next step was for the Japanese Army Government to re-form a committee, namely PPKI, which was tasked with preparing everything about independence. The committee consisted of 21 members chaired by Ir. Soekarno and Drs. Mohammad Hatta as vice chairmen.

Since August 9, 1945 PPKI began to carry out its duties, and as soon as possible resolve all issues related to independence, especially the issue of the draft constitution, which should be submitted to PPKI to be accepted and ratified. In accordance with the plan on August 24, 1945 Indonesian independence could be ratified by the Japanese Government in Tokyo. Before PPKI had time to hold a session as planned, an incident occurred that changed the situation. On August 6 and 9, 1945 Hiroshima and Nagasaki were hit by atomic bombs which forced Japan to surrender to the Allies. As a result, the Japanese Government's efforts

to fulfill the promise of Indonesian independence were no longer possible. Seeing this situation, of course the Indonesian people, especially the leaders and youth groups, did not remain silent. Before Japan surrendered its power to the Allies, at the insistence of the young people of the Indonesian nation declared its independence on August 17, 1945 with the reading of the Proclamation of Independence of the Republic of Indonesia by Ir. Soekarno-Hatta. Thus, Indonesia's independence was not a gift from the Japanese Government but as a result of the courage and strength of the entire Indonesian people to determine the fate of the nation and its homeland.

PPKI held a session on August 18, 1945 as an effort to perfect the already independent state. Although PPKI members consisted of members previously appointed by the Japanese Government, it did not mean that this Committee convened under the authority of the Japanese Government. The session was held under the responsibility of the Indonesian people themselves. This can be seen in the increase in membership, which initially amounted to 21 people and then increased to 27 people. The session then determined and ratified the draft constitution formulated by of The Board of Inquiry Efforts Preparation of Indonesian Independence (BPUPKI) with several changes and additions, and elected Ir. Soekarno and Drs. Mohammad Hatta as President and Vice President. All the results of session discussions, texts and decisions regarding the basic law produced, both by of The Board of Inquiry Efforts Preparation of Indonesian Independence (BPUPKI) and PPKI are very valuable reference sources in the interpretation of the 1945 Constitution. In addition, the history of the design and ratification of the Basic Law has also given birth to an important charter known as the Jakarta Charter dated June 22, 1945. This charter was used as the Preamble of the 1945 Constitution although there were changes in it, namely seven words after Godhead, which originally read Godhead with the obligation to carry out Islamic law for its adherents, was changed to God Almighty.

From the description above, it can be seen that the draft constitution was formulated before the Proclamation of Independence, while its establishment and ratification occurred one day after the Proclamation of Indonesian Independence. In the history of the Indonesian revolution, this event is truly an invaluable gift from Allah SWT, the Almighty God. The Indonesian people were given the best way to make the state structure. If at that time there was no draft constitution, of course after the proclamation of independence this nation would have encountered difficulties because it did not have a basic law which was a requirement for the establishment of a state. Since PPKI enacted the 1945 Constitution on August 18, 1945, state administration has been based on the provisions of the 1945 Constitution. However, considering that it was still in a transitional period, the implementation of the state government system and state institutions determined by the 1945 Constitution could not be fully implemented.

The implementation of the 1945 Constitution of the Republic of Indonesia was not optimal at that time because the Indonesian people were faced with a physical revolution to defend the country from the invaders who did not want to recognize Indonesia's independence. In this situation, Indonesia as a newly independent nation and still learning to practice constitutional administration, it is very reasonable if there was a discrepancy between the implementation of the government system and the government system stipulated in the constitution. Therefore, at that time, a parliamentary system of government was implemented while the 1945 Constitution stipulated a presidential system of government.

(2) Constitutional Period of the Republic of Indonesia (December 27, 1949-August 17, 1950)

During this period, the Republic of Indonesia became a Union State. In fact, all elements of the Indonesian nation did not want this form of government. It was the circumstances that forced this. Because in its journey

the Indonesian state had to face the threat of Dutch attacks which again wanted to rule in Indonesia. However, the Dutch desire to recolonize the Republic of Indonesia was not an easy thing to achieve. So then the Dutch tried to divide the Republic of Indonesia by establishing states such as the State of East Sumatra, the State of East Java, the State of Pasundan, and others. The Dutch used this tactic and strategy to turn these states into puppet states aimed at undermining the sovereignty of the Republic of Indonesia. In line with this strategy, the Dutch launched the First Aggression in 1947 and followed by the Second Aggression in 1948. This situation invited the intervention of the United Nations (UN), so that later the Round Table Conference in The Hague was held on August 23 to November 2, 1949. The conference was attended by representatives of the Republic of Indonesia, B.F.O. (Bijeenkomst voor Federal Overleg), and the Netherlands as well as a United Nations commission for Indonesia. The Draft Constitution of the Republic of Indonesia was formulated by the Delegation of the Republic of Indonesia and the Delegation of the B.F.O. at the Round Table Conference. The draft was accepted by both parties and was enacted on December 27, 1949 after previously being approved by the Central Indonesian National Committee as the Indonesian House of Representatives on December 14, 1949.

After the Republic of Indonesia was established, the Republic of Indonesia only became one of the states of the Republic of Indonesia. And in accordance with Article 2 of the Constitution of the Republic of Indonesia, the territory of the Republic of Indonesia only consisted of the areas mentioned in the Renville Agreement. The 1945 Constitution, which initially applied to the whole of Indonesia, since December 27, 1949, applied only to the territory of the Republic of Indonesia. On the basis of the consideration that the team that formulated the Constitution of the Republic of Indonesia of the United States was not representative, it is stated in Article 186 of the Constitution of the Republic of Indonesia of the United States that the Constituent Assembly together with the government will immediately establish the Constitution of the Republic of Indonesia of the United States. Thus, based on the information in Article 186, it is known that the Constitution of the Republic of Indonesia was only temporary.

The constitutional and governmental conditions at that time were not much different from the previous period, still unstable and there was no change. Many states did not want to submit so that the authority of the federal government was diminishing. Seeing these conditions, each region began to realize the importance of uniting the differences in each region, so it was agreed to re-form a unitary state. Finally, on August 17, 1950, the implementation of the Unitary State of the Republic of Indonesia referred to the Temporary Constitution of 1950. Thus, in practice, the Constitution of the Republic of Indonesia was in force from December 27, 1949 to August 17, 1950.

(3) Period of the Provisional Constitution of 1950 (August 17, 1950-July 5, 1959)

The form of the Federation State and the Application of the Constitution of the Republic of Indonesia of the Union (1949) was only temporary, because in fact the Indonesian people since August 17, 1945 wanted the form of a Unitary State. This is evidenced by the Republic of Indonesia Union which did not last long because the states merged with the Republic of Indonesia, so that from 16 states to only 3 states, namely the Republic of Indonesia, East Indonesia, and East Sumatra. This situation added to the decline in the authority of the Republic of Indonesia. Finally, an agreement was reached between the Republic of Indonesia, representing the Republic of East Indonesia and the State of East Sumatra, and the Republic of Indonesia to restore the Unitary State of the Republic of Indonesia. As a next step, the agreement on May 19, 1950 agreed on the formation of a unitary state, as a continuation of the unitary state proclaimed on August 17, 1945. For the newly formed unitary state, a new constitution was needed. For this purpose, a

joint committee was formed to draft a constitution which was then ratified on August 12, 1950 by the Working Committee of the Central Indonesian National Committee and subsequently by the House of Representatives and the Senate of the Republic of Indonesia on August 14, 1950. With this ratification, the Provisional Constitution came into effect on August 17, 1950. The enactment of the Provisional Constitution of 1950 (UUDS 1950) referred to Article 190, Article 127 a, and Article 191 paragraph (2) of the Constitution of the Republic of Indonesia of the United States of America, namely articles on amendments to the Constitution. With Federal Law No. 7 of 1950 (State Gazette of the Republic of Indonesia of the United States of 1950 No. 56), the 1950 UUDS officially came into effect on August 17, 1950.

These events show that the 1950 Constitution was formally an amendment to the Constitution of the Republic of Indonesia of the United States of 1949, and what was not different between these two constitutions (the Constitution of the Republic of Indonesia of the United States of 1949 and the 1950 Constitution) was that both were temporary. The temporary nature of the 1950 UUDS is clearly stated in Article 134 of the 1950 UUDS, which instructs the Constituent Assembly together with the government to draft a Constitution of the Republic of Indonesia to replace the 1950 UUDS in force at that time. This was because the team that formulated the 1950 Constitution felt that it was not as representative as the team that formulated the 1949 Constitution of the Republic of Indonesia.

In contrast to the Constitution of the Republic of Indonesia 1949, which did not have time to form a Constituent Assembly, the 1950 Constitution, realizing Article 134 above, held general elections in December 1955 to elect members of the Constituent Assembly. This general election was held under Law No. 7 of 1953. As a result, on November 10, 1956, the Constituent Assembly was inaugurated in Bandung. Although it had been in session for approximately two and a half years, the Constituent Assembly had not been able to complete its duties, the situation in the country was in a precarious state, so it was feared that there could be a division of the nation and state. Not to mention that the Constituent Assembly always failed to solve the main problems in drafting the new Basic Law, because it never reached the required 2/3 quorum. To overcome this, finally on April 22, 1959, President Ir. Soekarno delivered a mandate on behalf of the government of the Republic of Indonesia in front of the plenary session of the Constituent Assembly which contained a suggestion that the Constituent Assembly just establish the 1945 Constitution of the Republic of Indonesia as the Constitution of the Republic of Indonesia. In three votes to enact the 1945 Constitution, on May 30, June 1 and June 2, 1959, the Constituent Assembly failed to reach the required 2/3 quorum. While the situation in the country at that time was not at all favorable for constitutional development, on 5 July 1959, the President of the Republic of Indonesia, Soekarno, issued a Presidential Decree, one of the contents of which was to re-use the 1945 Constitution of the Republic of Indonesia as the applicable Constitution in Indonesia. The legal basis used as a reference to issue this Decree was *Staatsnoodrecht* (emergency constitutional law).

(4) The 1945 Constitution Period (July 5, 1959-1999)

On July 5, 1959, through Presidential Decree No. 150, the 1945 Constitution was reinstated throughout the territory of the Unitary State of the Republic of Indonesia. The term 1945 Constitution, which uses the number "1945" behind the Constitution, only appeared in early 1959, when on February 19, 1959 the Cabinet of Works reached a unanimous conclusion regarding "the implementation of guided democracy in the context of returning to the 1945 Constitution". This government decision was submitted to the Constituent Assembly on April 22, 1959.

Thus, when the 1945 Constitution was passed on August 18, 1945, it was only called "Oendang-Oendang Dasar". Similarly, when the Constitution was published in Berita Republik Indonesia Tahun II Number 7 on February 15, 1946, the term used was still "Oendang-Oendang Dasar" without the year 1945. It was only after the 1959 Presidential Decree that the 1945 Constitution was used as stated in State Gazette Number 75 of 1959. In the further course of the nation, since the issuance of the Presidential Decree on July 5, 1959, which one of its contents was to return to the 1945 Constitution, in its consideration recognized that the Jakarta Charter animated and was an integral part of the 1945 Constitution. After the Presidential Decree of July 5, 1959, the early implementation of the 1945 Constitution was very conducive, and even in its course, it became the desire of all parties, including the President, DPR, and MPR to always continue to implement the 1945 Constitution purely and consequently. The constitutional system of the Republic of Indonesia according to the 1945 Constitution is a unique system according to the personality of the Indonesian Nation. According to the 1945 Constitution, the President, in addition to being the "Head of State", is also the "Head of Government". The President holds the highest governmental power under the MPR. The President is the "Mandate of the People's Consultative Assembly".

The MPR, as the highest authority in the constitution of the Republic of Indonesia, cannot always convene every day. Therefore, the President, as the mandatary of the MPR, is entrusted with carrying out his daily duties. Only in certain matters, according to the 1945 Constitution, must the MPR do its own work, namely exercising popular sovereignty (Article 1 Paragraph (2), stipulating the Constitution and the outlines of state policy (Article 3), electing the President and Vice President (Article 6), and amending the Constitution (Article 37). The President as Head of Government, in carrying out his daily duties, is assisted by ministers (Article 17 Paragraph (1)). As servants of the President, these ministers are not accountable to the DPR. As servants of the President, ministers are responsible to the President. Ministers are appointed and dismissed at the pleasure of the President (Article 17 paragraph (2)).

According to the 1945 Constitution, the DPR gives approval to the President in making laws (Article 5 Paragraph (1) as well as Article 20 Paragraph (1)). According to the 1945 Constitution, certain matters must be regulated by law. This means that if regulations are to be made on these matters, the President must obtain the approval of the House of Representatives. Regarding other matters which, according to the Constitution, must be regulated by law, there is of course no impediment if the legislator wishes to regulate such matters by law, whether the initiative comes from the President or from the House of Representatives. In addition to being the Head of Government, in exercising the powers of Government, the President must comply with the provisions of the Constitution (Article 4), and must also comply with the State Policy Guidelines and other decisions of the People's Consultative Assembly. The implementation of the 1945 Constitution lasted quite a long time, from the Presidential Decree of 1959 to 1999, when compared to the early days of the implementation of the Constitution from 1945 to 1959. In fact, the executive, legislature and judiciary have always emphasized that the implementation of the 1945 Constitution must be carried out purely and consequently. The commitment to implement the 1945 Constitution purely and consequently was manifested, among other things, by the strict regulations on the desire to make changes to the 1945 Constitution, which must first go through a referendum, as stated in MPR Decree No. IV/MPR/1983 on the Referendum.

The 1999 reform, however, brought about fundamental changes, as one of its demands was to amend the 1945 Constitution because some of the contents of the 1945 Constitution were deemed to need to be adjusted to the development of constitutional life and politics at that time. Because of these demands, from

1999 to 2002, the MPR amended the 1945 Constitution and since then there have also been changes in the development of state administration in Indonesia.

(5) Period of the 1945 Constitution of the Republic of Indonesia (1999 to Present)

President Soeharto stepped down from the presidency following a massive wave of protests on May 21, 1998, which marked the beginning of the reform era in Indonesia. The far-reaching and fundamental reform process passed safely and securely. The large and pluralistic archipelago, with its ethnic diversity, managed to go through the reform process intact, undivided, avoiding violence and division. From 1999 to 2002, the MPR amended the 1945 Constitution as demanded by the 1998 reforms. At the beginning of the reform era, there were demands for reform from various components of the nation, including students and youth. These demands included the following:

1. Amendments to the 1945 Constitution of the Republic of Indonesia.
2. Abolition of the dual function of the Armed Forces of the Republic of Indonesia (ABRI).
3. Upholding the rule of law, respecting human rights, and eradicating corruption, collusion and nepotism (KKN).
4. Decentralization and equitable relations between the centre and regions (regional autonomy).
5. Realizing freedom of the press.
6. Realizing democratic life.

The demand for amendments to the 1945 Constitution of the Republic of Indonesia by various elements of society and socio-political forces is based on the view that the 1945 Constitution of the Republic of Indonesia is considered not to contain enough of a foundation for democratic life, empowerment of the people, and respect for human rights. In addition, there were articles that gave rise to multiple interpretations and opened up opportunities for authoritarian, centralized, closed, and KKN state administration, which led to the decline of national life in various fields of life.

The first amendment to the Constitution of the Republic of Indonesia Year 1945 was carried out in the General Assembly of the MPR in 1999 which resulted in the First Amendment. This was followed by the Second Amendment in the 2000 MPR Annual Session, the Third Amendment in the 2001 MPR Annual Session, and the Fourth Amendment in the 2002 MPR Annual Session. In terms of systematics, the 1945 Constitution before the amendment consisted of three parts (including the naming), namely:

1. Preamble.
2. Body.
3. Explanation. After the amendment, the Constitution of the Republic of Indonesia 1945 consists of two parts, namely:
 - a. Opening.
 - b. Articles (instead of the term Body).

The amendments made to the Constitution of the Republic of Indonesia Year 1945 included 21 chapters, 73 articles, and 170 paragraphs, 3 articles of Transitional Rules and 2 articles of Additional Rules. With the amendments made in 1999-2002, the 1945 Constitution of the Republic of Indonesia contains, among others, arrangements for the principle of checks and balances system, affirmation of regional autonomy, organization of general elections, implementation of independent judicial power, other institutional arrangements related to financial matters and others in order to improve the implementation of state administration. Changes occurred to articles and paragraphs and were very fundamental. The Preamble was agreed to be maintained and declared to be beyond the scope of amendments to the Constitution. The

rules for amending the Constitution only concern articles and paragraphs, and cannot reach the Preamble. The form of a unitary state is firmly stated as a substance that cannot be changed (non-amendable). The constitutional system with the MPR as the holder of supreme power and is the embodiment of all the people who have the authority, among others, to elect the President and Vice President has been replaced with a political system of checks and balances, where the President is directly elected by the people for a 5-year term. A person may only become President for 2 consecutive terms.

The amendments to the 1945 Constitution of the Republic of Indonesia emphasize the President as the head of state and head of government (presidential system). Presidential elections are conducted directly by the people where presidential candidates are nominated in 1 package paired with vice presidential candidates by a party or coalition of parties participating in the election. The winner is the pair that obtains 50% + 1 vote nationally and the votes obtained are spread as a majority in at least 2/3 provinces. If no one obtains such support, a re-election is held. The first and second place winners in the first round will compete in a second round. This time the pair that receives the most votes is declared the winner. This rule was established to deal with the fact that Indonesian society is dispersed and very pluralistic. The President should not only be supported by 50% + 1 votes concentrated in a certain area, but should be the President of the entire nation and homeland. The rule of law is underlined by stating that Indonesia is a state of law, not just a state based on law. This principle emphasizes that no party, including the Government, cannot be prosecuted under the law. Judicial power was affirmed to be an independent power to administer justice in order to uphold law and justice. The establishment of new state institutions in the field of judicial power, such as the Constitutional Court and the Judicial Commission is to uphold independent judicial power. The form of the state as a unitary state is strengthened. But at the same time, understanding the plurality of the nation and the size of the country, autonomy is emphasized and given according to regional characteristics. The sentence "The Unitary State of the Republic of Indonesia is divided into provinces and the provinces are divided into regencies and cities, and each province, regency and city has a regional government, which is regulated by law", confirms that the authority for regional autonomy comes from the delegation of national sovereignty through law.

The right to form laws is transferred from the President to the DPR. The source of origin of the Draft Law (Bill) can be from Members of DPR, DPR, President, and DPD (in the case of certain bills). The process of finalizing the bill is a process between the DPR and the President. A bill can become an Act if it is approved by both the DPR and the President. Basically, the position of the President and the DPR is equally strong. That is why a bill that has been jointly approved cannot be vetoed again, either by the President or by the DPR. If the President does not promulgate the new law within 30 days, it automatically becomes law and the President is obliged to promulgate it. Although the right to form laws lies with the DPR, the obligation to promulgate them lies with the President as Head of State. Basically, the law-making process is a political process, not free from bargaining or majority domination, which contains the possibility of inconsistencies in the law against the Constitution. The Constitutional Court was established as a court to test the consistency of laws against the Constitution and its decisions are final and binding. There is a mechanism to enforce the Constitution as the basic law that must be obeyed by the laws and regulations below it. Thus the political process of law formation has a correction mechanism, namely 9 constitutional judges who come from 3 sources, the DPR, the President and the Supreme Court.

Based on Article 33 of the 1945 Constitution of the Republic of Indonesia regarding the economy is maintained but the title is changed from "Social welfare" to "National economy and social welfare" and is complemented by paragraph (4) and paragraph (5) and it is emphasized that the provisions for the implementation of Article 33 are regulated by law. Paragraphs (1), (2) and (3) can no longer be explained apart from paragraphs (4) and (5) which provide qualifications for paragraphs (1), (2) and (3). In summary, with these changes, the economy can no longer be run with an ethical and centralized approach on the one hand and on the other hand it is not free according to the law and market forces. Equitable efficiency is one of the characteristics of national economic development that uses democratically intervened market forces to achieve growth and income distribution in order to realize justice and prosperity. In the 1945 Constitution of the Republic of Indonesia, the existence of the Central Bank received deep attention. The MPR is of the opinion that the system used is the central bank system, the independence of the central bank will be regulated by law, not by the Constitution and the name of Bank Indonesia as the central bank does not need to be included to avoid constitutional complications. If Bank Indonesia is a particular institution that receives its authority directly from the Constitution, complications will arise if the central bank policy is different from the Government policy. The issue will become a constitutional problem. It was also considered that a fully independent central bank could become an entry point for various interests that are not in line with the national interest. In the process of amending the 1945 Constitution, the MPR decided that the 1945 Constitution of the Republic of Indonesia would no longer recognize the existence of an Explanation. Historically, the Explanation of the 1945 Constitution was not passed with the ratification of the Constitution on August 18, 1945. The Explanation of the Constitution only came into existence after it was published in Berita Negara Republik Indonesia No. 7 of 1946. This does not mean that because it was not simultaneously ratified with the 1945 Constitution, it cannot be said to be inauthentic. The current Explanation is the same as that which was enunciated at the PPKI meeting. Mr. Soepomo played a major role in the drafting of the 1945 Constitution, so his thoughts can certainly be read in the Explanation of the Constitution.

When the 1945 Constitution was restated through the Presidential Decree of July 5, 1959, the Explanation of the 1945 Constitution was published together with the Preamble and the Body of the 1945 Constitution in accordance with what was published in the State Gazette of the Republic of Indonesia No. 7 of 1946 (State Gazette No. 75 of 1959). Thus, it appears that the Explanation of the 1945 Constitution is an official and inseparable part of the 1945 Constitution. Furthermore, it can also be seen in the Provisional People's Consultative Assembly Decree No. XX/MPRS/1966, which was declared to remain in force by MPR Decree No. V/MPR/1973 on the Source of Legal Order of the Republic of Indonesia, which states that:

"... In that regard, the contents of the Body of the 1945 Constitution can be better understood by studying its elucidation which is *oten tik*..." Thus, according to the People's Consultative Assembly, the Explanation of the 1945 Constitution is an authentic explanation. Along with the amendments to the 1945 Constitution made by the People's Consultative Assembly from 1999 to 2002, the Explanation is no longer part of the Constitution, as stated in the provisions of Article II of the Supplementary Rules which states that "with the enactment of these amendments to the Constitution, the Constitution of the Republic of Indonesia Year 1945 consists of the Preamble and articles.

IV. CONCLUSION

Pancasila in the state constitution as the basis of the Indonesian state brings logical consequences that the values of Pancasila are used as the main foundation and fundamental basis for the administration of the Indonesian state. Pancasila contains five precepts which essentially contain five fundamental basic values. The basic values of Pancasila are Belief in One God, fair and civilized humanity, Indonesian unity, democracy led by wisdom in representative deliberation, and social justice for all Indonesian people. The 1945 Constitution of the Republic of Indonesia as the constitution of the Indonesian state contains written basic laws (basic rules) that are democratic and modern in accordance with the needs and demands of the dynamics of the Indonesian nation. The 1945 Constitution of the Republic of Indonesia will only be meaningful and useful if it is implemented seriously, consistently and consequently by all components of the nation, especially the state administrators. The consistent and consequent implementation of the 1945 Constitution of the Republic of Indonesia will provide great hope for the realization of a democratic, modern and religious society, nation and state as a manifestation of the ideals of the Proclamation of 17 August 1945 as stated in the Preamble of the 1945 Constitution of the Republic of Indonesia.

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