

# Protection of Citizens' Constitutional Rights in the Pancasila Democratic System in Indonesia

Amalia Geranti<sup>1</sup>, H. Rusdianto<sup>1</sup>, Fryanditya Rahayu Putri Rusadi<sup>1</sup>

<sup>1</sup> Sekolah Tinggi Ilmu Hukum Habaring Hurung Sampit, Indonesia

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## ABSTRACT

This study aims to analyze the protection of citizens' constitutional rights in the Pancasila democratic system in Indonesia, by highlighting the role of state institutions, the challenges faced, and the solutions that can be applied to increase their effectiveness. The research method used is normative law with a statutory and conceptual approach, which relies on an analysis of the constitution, related laws and regulations, and academic literature. Data is collected through literature studies, while data analysis is carried out through data reduction, data presentation, and conclusion drawing to produce a comprehensive picture of the implementation of the protection of citizens' constitutional rights in the context of Pancasila democracy. The results show that the protection of the constitutional rights of citizens in Indonesia has a strong foundation in the 1945 Constitution and laws and regulations, but its implementation still faces a number of challenges, including low public legal literacy, inequality in access to public services, and threats to privacy in the digital era. The role of state institutions such as the Constitutional Court, Komnas HAM, and the Ombudsman is considered significant, although it is not fully optimal due to limited resources and ineffective supervision. The proposed solutions include strengthening regulations, empowering state institutions, improving legal literacy, and using digital technology more effectively. The results of this study provide strategic recommendations to strengthen the protection of citizens' constitutional rights in the future, in accordance with the democratic values of Pancasila which emphasizes justice and common welfare.

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## Corresponding Author:

Amalia Geranti

Sekolah Tinggi Ilmu Hukum Habaring Hurung Sampit, Indonesia; [amaliagrt3012@gmail.com](mailto:amaliagrt3012@gmail.com)

## 1. INTRODUCTION

In a democratic state of law, the protection of citizens' constitutional rights is one of the main pillars that ensures justice, welfare, and sustainability of inclusive governance. Indonesia, as a country that adheres to the Pancasila democratic system, places the basic rights of citizens in the constitution as a

form of respect for human dignity and recognition of diversity. Pancasila, which is the basis of the state, provides moral guidance for the implementation of these rights in the life of society, the nation, and the state. However, in practice, the implementation of the protection of constitutional rights often faces various challenges, both in legal, social, and political aspects, raising questions about the extent to which these rights can be realised (Al Fatha et al., 2023).

Every citizen has constitutional rights guaranteed by the 1945 Constitution of the Republic of Indonesia, including the right to life, the right to freedom of expression, the right to education, and the right to be treated equally before the law. However, often various human rights violations occur due to weak law enforcement, regulatory insynchrony, and low public awareness of their own rights. These issues reflect the importance of the state's role in ensuring that every individual can enjoy his or her rights without discrimination or arbitrary restrictions.

The existence of state institutions such as the Constitutional Court and the National Human Rights Commission shows Indonesia's commitment to protecting the constitutional rights of its citizens. The Constitutional Court, for example, functions as a guardian of the constitution and a protector of human rights through the testing of laws against the constitution. Even so, the effectiveness of these institutions is often questioned, especially when dealing with major cases involving political or economic interests. In addition, the gap between the ideals of legal norms regulated in the constitution and the reality of their implementation on the ground is still a problem that continues to be sought to be solved (Habibah, 2023).

Social transformation and the development of information technology have also affected the dynamics of constitutional rights protection in Indonesia. These developments bring new challenges, such as the issue of personal data protection, freedom of expression in digital media, and the rights of minority groups that are increasingly in the spotlight. In this situation, it is important for the government, society, and all elements of the nation to collaborate in creating policies that are fair, inclusive, and adaptive to the changing times. Without legal reforms that are in accordance with the needs of modern society, efforts to protect constitutional rights will not be able to run optimally.

The purpose of this study is to analyze various aspects that affect the protection of citizens' constitutional rights in the Pancasila democratic system in Indonesia. In addition, this study aims to identify obstacles in the implementation of constitutional rights, evaluate the effectiveness of the role of state institutions in protecting these rights, and provide recommendations to improve efforts to protect constitutional rights in a fair manner.

## 2. METHODS

The research method used in this study is the normative legal method, which focuses on the study of laws and regulations, legal doctrines, and principles that apply in the legal system. Normative legal research aims to analyze the legal norms that govern the protection of citizens' constitutional rights in the Pancasila democratic system. The object of study includes provisions in the 1945 Constitution of the Republic of Indonesia, related laws, and relevant legal literature. This approach is carried out to understand how these rules are formulated, interpreted, and implemented in community life.

The approaches used include a legislative approach, a conceptual approach, and a case approach. The legislative approach is used to examine the regulations that govern constitutional rights, while the conceptual approach focuses on the concepts and theories underlying the protection of these rights. The case approach is used to analyze concrete examples of the implementation of constitutional rights protection, both through court decisions and relevant cases. The combination of these three approaches aims to provide a comprehensive picture of the protection of constitutional rights in Indonesia.

The data collection technique is carried out through document studies that include analysis of laws and regulations, court decisions, books, scientific journals, and other relevant literature. The data collected is secondary, as normative legal research does not require empirical data directly from the field. The data collection process is carried out systematically to ensure that the sources used are relevant and reliable, so that they can support the analysis of the issues being studied.

The data analysis technique involves three main stages, namely data reduction, data presentation, and drawing conclusions. Data reduction is done to sort and simplify the information that has been collected so that only relevant data is used in the research. The presentation of data is carried out in the form of descriptions or tables to make it easier for readers to understand the information that has been processed. The data that has been sorted and presented is then analyzed based on the theoretical framework and relevant legal norms, thus producing findings that can be used as a basis for drawing conclusions.

Conclusions are drawn logically based on the data that has been analyzed, so that the results of the research can provide answers to the formulation of the problem. The conclusions not only contain findings related to the implementation of the protection of constitutional rights, but also recommendations to overcome the obstacles found. This process ensures that research makes practical and theoretical contributions in understanding and improving the protection of citizens' constitutional rights in the Pancasila democratic system in Indonesia.

### 3. FINDINGS AND DISCUSSION

#### **Basic Principles of Protection of Constitutional Rights of Citizens in Indonesia in the Pancasila Democratic System**

The basic principle of protecting the constitutional rights of citizens in Indonesia is rooted in the values of Pancasila which are the moral and philosophical guidelines for the life of the nation and state. As the basis of the state, Pancasila provides a fundamental foundation for the recognition and protection of citizens' rights, which is guaranteed by the 1945 Constitution of the Republic of Indonesia. Each precept in Pancasila reflects a commitment to respect for human dignity, social justice, and democratic principles that prioritize the common interest. This is clearly seen in Articles 27 to 34 of the 1945 Constitution which detail various basic rights such as equality before the law, the right to work, education, and the right to live a decent life. These principles are designed to ensure that every citizen has an equal opportunity to enjoy their constitutional rights without discrimination (Handayani & Angrayni, 2019).

The Pancasila democratic system places people's sovereignty as one of the important elements in the protection of constitutional rights. The State of Indonesia recognizes that the people are the holders of the highest power, as mandated in Article 1 paragraph (2) of the 1945 Constitution. This principle provides legitimacy for the people to be actively involved in the political process, either through elections, participation in decision-making, and freedom of opinion (Jerimas Pelokilla, 2023). Democracy based on Pancasila not only emphasizes procedural aspects such as the implementation of elections, but also substantial aspects that ensure that citizens' rights, including civil and political rights, are protected and respected. This system encourages the creation of a government that is responsive to the aspirations of the people and accountable in carrying out its duties.

The principle of social justice in Pancasila is also an important foundation for the protection of constitutional rights. Social justice demands an equitable distribution of resources and opportunities for all Indonesian people without exception. The state has an obligation to create policies that protect vulnerable groups, including those who are poor, marginalized, or in remote areas, so that no individual feels ignored by the system. This principle is reflected in various government programs aimed at improving people's welfare, such as free education programs, health insurance, and social assistance. In the context of protecting constitutional rights, social justice also requires the state to enforce the law fairly without taking sides with certain parties.

Fair and non-discriminatory law enforcement is an important aspect in protecting citizens' constitutional rights. The state, through law enforcement agencies, has a responsibility to ensure that every individual receives equal treatment before the law. The principle of the rule of law stated in Article 1 paragraph (3) of the 1945 Constitution shows that Indonesia is a country of law that upholds human rights. The role of the Constitutional Court, Komnas HAM, and related institutions is vital in overseeing the implementation of these principles. When rights violations occur, citizens have legal

mechanisms to file lawsuits, either through litigation processes in court or non-litigation mechanisms such as mediation or arbitration (Kansil & Hisyam, 2024).

Pancasila also emphasizes the importance of harmonization between the rights and obligations of citizens. Constitutional rights are inseparable from the responsibility of citizens to respect the rights of others and obey applicable regulations. This principle ensures that the protection of rights is not only oriented to the individual, but also pays attention to the balance between private interests and public interests. The Pancasila democratic system teaches that the freedoms given to individuals must be used to support the creation of a harmonious, just, and dignified society. These basic principles reflect Indonesia's commitment to guaranteeing the constitutional rights of every citizen as part of efforts to realize national ideals in accordance with the noble values of Pancasila.

### **Obstacles in the Implementation of the Protection of Citizens' Constitutional Rights**

The main obstacle in the implementation of the protection of citizens' constitutional rights in Indonesia is the lack of legal awareness among the public. Many citizens do not fully understand the rights guaranteed by the constitution, including the mechanisms to fight for these rights in the event of violations. This ignorance is often due to a lack of equitable legal education, especially in remote areas. When people do not understand their rights, efforts to fight for the protection of constitutional rights are hampered, resulting in many rights violations that go undetected or are not acted upon legally. This creates an inequality of access to justice, where only certain groups with adequate knowledge and resources are able to obtain optimal protection of rights (Purnamasari, 2017).

One of the other significant obstacles is the weak law enforcement in Indonesia. This problem is often influenced by the practices of corruption, collusion, and nepotism that still occur in a number of law enforcement agencies. The apparatus that is supposed to be at the forefront of protecting citizens' constitutional rights sometimes becomes part of the problem. Injustices in the law enforcement process are also often experienced by vulnerable groups such as the poor or minorities, who often face discrimination or lack of legal support. When law enforcement does not run fairly and transparently, public trust in the legal system is weakened, making it increasingly difficult to realize efforts to protect constitutional rights.

The next obstacle is inequality in access to public services and state resources. Many citizens, particularly those in remote areas or hard-to-reach areas, face difficulties in accessing government services that support the protection of constitutional rights. This inequality includes access to education, health, and legal facilities that are part of the basic rights of citizens. Inadequate infrastructure, less inclusive policies, and the government's lack of attention to vulnerable groups further exacerbate this situation. This inequality of access creates social inequality that is contrary to the principles of social justice mandated by Pancasila.

The last obstacle that often arises is cultural and social obstacles that hinder the exercise of constitutional rights. Local traditions or customs that conflict with legal principles are often a challenge in protecting citizens' rights. For example, the gender or ethnicity-based discrimination that still occurs in some regions reflects how traditional values sometimes become barriers to the enforcement of human rights. In some cases, people are reluctant to report because they are worried about social pressure or conflicts with local norms. Without serious efforts to harmonize local norms with constitutional principles, the protection of citizens' rights will not run effectively and equitably (Purnomosidi, 2017).

### **The Effectiveness of the Role of State Institutions in Ensuring the Protection of Citizens' Constitutional Rights**

The effectiveness of the role of state institutions in ensuring the protection of citizens' constitutional rights is highly dependent on the capacity, integrity, and commitment of each institution in carrying out its duties. Executive, legislative, and judicial institutions have complementary roles in ensuring that the rights of citizens that have been regulated in the constitution can be realized. The government, through its executive branches, is responsible for designing and implementing public policies that promote social justice and respect for human rights. Programs such as social assistance,

education, and health are concrete manifestations of the government's efforts to fulfill the basic rights of citizens. However, the implementation of these programs often encounters challenges such as slow bureaucracy, uneven budget allocation, or lack of effective oversight (Sari et al., 2024).

The legislature has a great responsibility in creating a legal framework that supports the protection of constitutional rights. The House of Representatives and the DPD have the authority to draft laws that are in favor of the interests of the people and ensure that government policies do not violate the rights of citizens. A transparent and participatory legislative process is key to ensuring that laws and regulations truly reflect the aspirations of the community. However, in practice, there are obstacles such as political interests that sometimes take precedence over the interests of the people. When the legislature fails to carry out its supervisory function over the executive, violations of constitutional rights can occur without adequate correction mechanisms.

Judicial institutions, such as the Constitutional Court, the Supreme Court, and the Judicial Commission, have a central role in upholding justice and ensuring that any violation of constitutional rights can be resolved through fair legal mechanisms. The Constitutional Court, for example, functions as a constitutional bodyguard with the authority to test laws and regulations against the 1945 Constitution. The existence of the Constitutional Court provides a guarantee that the rights of citizens who have been violated can be restored through the legal process. However, the effectiveness of judicial institutions is often influenced by the level of independence of judges, the availability of resources, and public access to the justice system. Long legal processes and high costs are also obstacles for the community to get justice (Triputra, 2017).

Independent state institutions, such as Komnas HAM and the Ombudsman, also have an important role in ensuring the protection of citizens' constitutional rights. Komnas HAM is tasked with monitoring, investigating, and reporting human rights violations, while the Ombudsman functions to handle public complaints related to maladministration by state administrators. These institutions become a bridge for people who feel that their rights are not protected by the existing system. Despite their significant role, budget constraints, personnel and authority often limit their effectiveness in dealing with widespread violations in various regions.

Coordination between state institutions is a determining factor for the effectiveness of constitutional rights protection. When state institutions are able to work together synergistically, the protection of citizens' rights can be carried out more optimally. On the other hand, if there is an overlap of authority or conflict of interest between institutions, efforts to protect rights may become ineffective. The government needs to ensure that every state institution has adequate capacity and is supported by clear policies to protect the constitutional rights of all citizens. Without institutional strengthening and strong commitment, the protection of constitutional rights will only become a discourse that is difficult to realize.

### **The Influence of Technological Developments on the Protection of Constitutional Rights in Indonesia**

Technological developments have had a significant impact on the protection of constitutional rights in Indonesia, both in positive aspects and challenges that arise. On the positive side, digital technology makes it easier for people to access information related to their constitutional rights. Online platforms such as official government websites, public service applications, and social media are effective means of conveying legal education and information. The public can more easily know the basic rights guaranteed by the constitution, including the complaint mechanism in the event of a violation. Access to this information provides empowerment for people to fight for their rights, especially in an era where digital literacy is increasing (Widiatama et al., 2020).

Technology also supports the improvement of the efficiency of public services that are directly related to citizens' constitutional rights. Innovations such as digital-based administration systems, e-government, and integrated service applications are accelerating administrative processes that were previously time-consuming. Basic rights such as making population documents, filing complaints about public services, and applying for social assistance have become more accessible. The government

can use this technology to create transparency in the implementation of public services, which can ultimately strengthen public trust in the state in protecting its rights.

While providing great benefits, technological developments also bring new challenges to the protection of constitutional rights. One of the biggest challenges is the threat to the privacy and security of citizens' personal data. In the digital era, citizens' data stored in electronic systems is vulnerable to misuse or leakage, both due to cyberattacks and careless data management. Data leaks can result in a violation of privacy rights, which are part of constitutional rights. Strict regulation and law enforcement are very important to ensure the protection of personal data in the midst of rapid technology adoption (Zulkarnaen, 2019).

Technology also influences the way people participate in democratic processes and governance. The presence of social media and digital platforms allows citizens to express their aspirations, criticisms, or support for government policies directly and widely. This active participation is in line with the rights of citizens to association, assemble, and express opinions, as guaranteed by the constitution. However, the increasing use of technology also poses risks such as the spread of fake news, hate speech, and manipulation of public opinion, which can threaten the quality of democracy and the protection of constitutional rights.

The influence of technology on the protection of constitutional rights depends on the extent to which state regulations and policies are able to keep pace with these developments. The government needs to continue to develop an adaptive and progressive legal framework to respond to the challenges presented by technology. Public education about the responsible use of technology is also a priority to maximize the benefits of technology in protecting constitutional rights. With proper management, technological developments can be a powerful tool to strengthen the protection of citizens' rights in Indonesia.

### **Solutions to Improve the Protection of Citizens' Constitutional Rights in the Future**

Improving the protection of citizens' constitutional rights requires strategic steps that are integrated between government policies, strengthening state institutions, and active participation of the community. One of the solutions that can be applied is to improve the quality of regulations related to constitutional rights. The government and legislature need to ensure that any resulting legislation has a strong foundation in the constitution and is relevant to the challenges facing society. The legislation process must be carried out in a transparent and participatory manner so that citizens' aspirations can be properly absorbed and create fair and inclusive legal products (Kaka, 2021).

Strengthening state institutions is an important step to improve the protection of constitutional rights. Institutions such as the Constitutional Court, Komnas HAM, and the Ombudsman need to be given greater support, both in terms of human resources, budget, and authority. The independence and integrity of these institutions must be maintained so that they can carry out their functions optimally without intervention from certain parties. In addition, an effective monitoring mechanism is needed to ensure that each state institution is responsible for the protection of citizens' rights according to the mandate it has.

Increasing legal literacy in the community is another solution that is no less important. Education about constitutional rights must be carried out massively through various channels, such as social media, formal education curriculum, and community empowerment programs. When people have a good understanding of their rights, they will be more proactive in fighting for those rights and more critical of policies or actions that have the potential to violate constitutional rights. This education must also include aspects of using digital technology safely, considering that many citizens' rights are now closely related to technology-based services.

The more optimal use of digital technology can be a strategic solution in improving the protection of constitutional rights. The development of digital-based public service systems, such as complaint applications and integrated administration systems, can accelerate people's access to the protection of their rights. The government needs to invest resources in the development of equitable technological infrastructure, including in remote areas, so that all citizens have equal access to these services.

Regulations that support the security of personal data must also be strengthened to protect citizens' privacy in the digital era (Rahma, 2021).

Collaboration between government, civil society, and the private sector is key to addressing the challenges of protecting constitutional rights in the future. The government needs to involve civil society organizations in the policy-making process to ensure that diverse perspectives are accommodated. The private sector, especially technology companies, can contribute through innovations that support the protection of citizens' rights, such as data security systems or legal education platforms. This synergy between various parties will create an environment conducive to strengthening the protection of constitutional rights in Indonesia.

#### 4. CONCLUSION

The protection of the constitutional rights of citizens in the Pancasila democratic system in Indonesia is a manifestation of the values of justice, humanity, and people's sovereignty embedded in the 1945 Constitution. Basic rights of citizens, such as freedom of opinion, the right to education, and legal protection, are guaranteed through the constitution and various laws and regulations that support their implementation. However, various challenges such as low public legal literacy, inequality of access to public services, and threats to privacy due to technological developments are still obstacles in ensuring that these protections run optimally. The role of state institutions, including the Constitutional Court, Komnas HAM, and the Ombudsman, has made significant contributions, but their effectiveness is often hampered by limited resources and transparency issues. In this context, the Pancasila democratic system that emphasizes the balance between rights and obligations must continue to be developed in order to be able to provide fair and equitable protection for all citizens.

To improve the protection of citizens' constitutional rights, synergy is needed between the government, state institutions, society, and the private sector. The government needs to strengthen the legal framework that governs constitutional rights, including the protection of personal data and more equitable access to technology-based public services. Massive legal education must be carried out to increase public awareness of their rights, so that citizens are more proactive in fighting for them. State institutions need to be empowered through capacity building, budgets, and transparent oversight mechanisms in order to carry out their duties optimally. In the digital era, collaboration with the private sector is also important to create technological innovations that support the protection of citizens' rights. This comprehensive and participatory approach is expected to strengthen the implementation of Pancasila democracy and ensure that every citizen obtains his constitutional rights in a fair and dignified manner.

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