INTRODUCTION: MAINTAINING THE CONSTITUTIONAL RIGHTS TO CREATE A BETTER SOCIETY

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Indonesia has a long journey to implement constitutional rights. Discussion about constitutional policy could be traced back to the day when Indonesia was ruled by several kingdoms in the archipelago. Long ago, the method of power division into the legislature, executive and judiciary has been applied. King’s power somehow, still dominated the policy-making steps as he was the head of state, unfortunately. Throughout the colonialism era, Indonesia started to realise the significance of constitutional rights. Post freedom Proclamation era, the 1945 constitution was centralised where the president holds the majority of power. It was hard to illuminate the people about the awareness of constitutional awareness. This ended up with a lack of trust in the government as it is part of fundamental rights.

Since then, the 1945 constitution experienced a series of amendments. Through the four stages of the amendment, the changes were focused on executive power limitations, division of power to the regional government, additional state institutions and the major transition on education and culture, economy and social welfare, and transitional rules. This massive change covered 88% of the constitution. Among these changes, were about the President’s power and responsibility, where he was a supreme decision maker, to become ideals with democratic law state. As a basic moral compass of the state, the 1945 constitution covers almost all of the provisions contained therein must be followed by an amendment to the legislation under it and its implementation by competent bodies. Thus, as a basic step, the citizen is obliged to have a constitutionally conscious culture. Therefore, to boost this amendment awareness, it is a critical approach to have a holistic understanding of the norms and values as a reference in society, national, and state life.

Indeed, the amendment of the 1945 constitution succeeded to bring the change. However, it is not the perfect transition, as Indonesia experienced numerous human rights violations. Post amendment, the casualties against humanity, bribery, economic instability, and poverty are the price that government has to pay. The amendment’s effectiveness becomes the main obstacle to human rights implementation. Public policymaking should be based on common interests and consider fundamental rights. By employing the explanatory type of model, we are able to see the wider picture of post-amendment’ rights application in the public interest.
Before the amendment of the 1945 constitution, Indonesia lagged behind in constitutional democracy implementation. Particularly, in the guided democracy era, the constitutional state failed to be implemented. Thus, since post 1998 democratic era begin, the public has to be known the fundamental norms and rights that are covered in the constitution. Every citizen should be able to protect their constitutional rights in the life of the nation and state. Therefore, it is necessary to have a constitutional awareness culture in the form of awareness of their constitutional rights as citizens, both as individuals and groups, that a statutory provision has violated constitutional rights. Jimly Asshiddiqie on his part "Building A Constitutional Awareness Culture to Create A Democratic Law State" examined how constitutional awareness, as a tangible form, is a significant culture that needs to be developed and implemented.

The main goal of the constitution is to give the citizen an assurance of safety and comfort in a particular jurisdiction. Discussing the human rights violation, genocide is a serious crime against humanity. Several discussions emerged that genocide drifted by pressure and anxieties on top of ethnic, historic and religious affairs. “Genocide: Causes Behind a Gravest State Crime” which has been discussed by Syed Enam Ahammad, explore a series discussions of the topic. The background for this type of crime namely, to conquer particular jurisdictions, ethnic and resources. Also, he indicated negative propaganda held by the government which cause systematic separation among the societies.

In recent times, preserving human rights is a priority of any nation. One of the forms of human rights preservation is to enhance the judiciary service and dispute settlement. Nurdin Bakry and Faisal Fauzan explore the aforementioned topic in “Dispute Settlement Between the Activity Execution Team and The Goods Provider Regarding the Use of Village Funds” in the autonomous province of Aceh in Indonesia. The government is dedicated to allocating a specific amount of funds to build and develop the villages using several types of methods, from self-management to procurement. Somehow, the process wasn’t as smooth as expected. The procuring process, for instance, is a complicated activity involving parties. It is a complex step where the executor team gives an advance payment to the provider of the goods where often the goods are undelivered in time. The request to the request notes instead of a down payment and the delayed progress could hinder the village’s growth. Later on, this will root the emergence of disputes. Such disputes can be solved by using administrative and civil law in the act of default. Moreover, the discussion of dispute settlement might be done through the village head or filing a lawsuit in court if necessary.

A fundamental form of government’s role in preserving people’s rights is to keep the stability of the supply chain and good prices. This intervention in a particular situation needs to be done. Chairul Fahmi, Rahmi Putri Febriani, Laila Muhammad Rasyid, and Ahmad Luqman Hakim in their part “The Role of Local Government in Maintaining Coffee Prices Volatility in Gayo Highland of Indonesia” provide a wider picture of how the government protects the coffee price for the greater good. By applying the method of At-Tas’ir Al-Jabari where the government using its power set the price of coffee. Although this was against the economic theory where price
determination by the balance of supply and demand, this method did not violated shariah compliance and where it might damage the people’s needs. Also, this is a clear example of where the state could provide basic economic needs and price stability.

The Indonesian government is continuing to robust human rights implementation, including public service transparency. This includes bribery and gratuity prevention in government public office. Agus Kasiyanto and Sri Wahyu Jatmikowati in their paper “Efforts to Prevent Bribery and Gratuity in Land Agency”, explore such topics at the Sorong City Land Agency Office. Through an exploratory study on this particular topic, the authors believe that if the government officer strengthens personal integrity, eliminates the potential cause of bribery and illegal levy, establishes a gratuity control and develops an anti-bribery management system, these issues could be solved.

Thus far, the introduction has argued Maintaining Constitutional Rights to Create a Better Society, its implementation and indication should be public concern and awareness. The citizen needs to realise that their fundamental rights are preserved by the constitution.

On behalf editorial board, we strongly believe that human rights awareness must be a top literacy campaign by the government. All articles published in volume 8 no. 1 have been thoroughly selected and appraised by the reviewer and experts.

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