

THE CONCEPTION OF PEOPLE'S SOVEREIGNTY IN INDONESIA: MOHAMMAD HATTA'S THOUGHT APPROACH

EZA AULIA

Universitas Andalas, Padang, Sumatera Barat, Indonesia
Universitas Teuku Umar, Meulaboh, Aceh Barat, Indonesia
Email: ezaaulia@utu.ac.id

SALDI ISRA

Universitas Andalas, Padang, Sumatera Barat, Indonesia
Email: saldiisra@yahoo.com

YUSLIM

Universitas Andalas, Padang, Sumatera Barat, Indonesia
Email: yuslim@law.unand.ac.id

Abstract: This study employs a doctrinal legal research method, employing a historical and conceptual approach, mainly focusing on popular sovereignty as articulated by Hatta, one of the nation's founding figures. Sovereignty of the people is a principle embedded in paragraph IV of the preamble to the opening of the 1945 Constitution. However, the concept of popular sovereignty developed in Indonesia diverges from the Western concept outlined by Rousseau. This research is doctrinal legal research using historical and conceptual approaches, mainly focusing on popular sovereignty as articulated by Hatta, one of the nation's founding figures. The findings of this research illustrate that the concept of popular sovereignty in Indonesia must be rooted in indigenous Indonesian cultures and characterized by a collectivist pattern. Here, collectivism is regarded as a means to accommodate the diverse regional characteristics of Indonesian population. Conceptually, the people's sovereignty adopted by the Indonesian state contains five principles grouped into two fundamental principles: the essential principle encompassing freedom and equality and the procedural principle governing the implementation of popular sovereignty, including the principles of majority vote, accountability, and territoriality. The principle of territoriality emerged from one of Hatta's aspirations for popular sovereignty, aiming to mitigate cultural nationalism and foster a bottom-up democracy that embraces the noble values inherent in Indonesian society.

Keywords: Mohammad Hatta, People's Sovereignty, Indonesia

Abstrak: Kedaulatan rakyat merupakan prinsip yang ditanamkan ke dalam alinea ke IV preambule pembukaan UUD 1945. Namun konsepsi kedaulatan rakyat yang dikembangkan di Indonesia merupakan konsep yang berbeda dengan yang

dikembangkan di dunia Barat menurut ajaran Rousseau. Penelitian ini merupakan penelitian hukum doktrinal dengan menggunakan pendekatan sejarah dan pendekatan konseptual yaitu gagasan kedaulatan rakyat berdasarkan pemikiran Hatta sebagai salah satu tokoh pendiri bangsa. Di mana hasil penelitian menggambarkan bahwa konsepsi kedaulatan rakyat yang dikembangkan di Indonesia harus mengakar kepada kultur kebudayaan asli Indonesia yang bercorak kolektivisme, kolektivisme di sini dipandang sebagai cara untuk mengakomodir keberagaman masyarakat di Indonesia yang terikat dengan corak kedaerahan masing-masing. Secara konsepsi, kedaulatan rakyat yang dianut negara Indonesia memuat 5 prinsip yang dikelompokkan ke dalam 2 prinsip dasar yaitu prinsip esensial yang memuat prinsip kebebasan dan prinsip kesetaraan, serta prinsip prosedural dari pelaksanaan kedaulatan rakyat yang memuat prinsip suara mayoritas, prinsip pertanggungjawaban, dan prinsip teritorial. Prinsip teritorial merupakan temuan yang dikembangkan dari salah satu cita-cita kedaulatan rakyat bagi Hatta yaitu menghilangkan nasionalisme budaya, sehingga demokrasi dapat berkembang secara bottom-up yang mengakomodir nilai-nilai luhur yang ada di dalam masyarakat Indonesia.

Kata Kunci: Mohammad Hatta, Kedaulatan Rakyat, Indonesia

INTRODUCTION

Sovereignty is paramount for any nation, signifying its ability to determine its destiny autonomously, free from external intervention.¹ It is widely acknowledged that the Indonesian state, as outlined in the 1945 Constitution, adheres to the principle of people's sovereignty.² Jimly Asshiddiqie argued that the 1945 Constitution adheres to a unique concept of sovereignty, combining people's sovereignty, legal sovereignty, and divine sovereignty simultaneously.³ The concept of popular sovereignty applied in Indonesia is different from that of European countries, as elucidated by Hatta "...people's sovereignty which is understood and propagated within the national movement is different from Rousseau's conception which is individualism. The notion of people's sovereignty in Indonesia must be rooted in social life, characterized by collectivism.⁴ Hence, this study examined the concept of popular sovereignty implemented in Indonesia using an approach from Hatta's ideas.

Several factors contribute to the adoption of Hatta's concept of popular sovereignty in Indonesia. Hatta is a foundational figure who introduced more profound Indonesian concepts such as justice, openness, and democracy.⁵ As a thinker and freedom fighter, Hatta faced challenges of establishing an appropriate order to pave the way for an independent Indonesia⁶. Hatta, as the formulator of the democracy⁷, envisioned a

1 Andi Andri, 'Kemerdekaan Dan Kedaulatan Rakyat Dalam Perspektif Mohammad Hatta Dan Islam' (2017) 2 Manthiq 134.

2 Mexsasai Indra, 'Konsepsi Kedaulatan Rakyat Dalam Cita Hukum Pancasila' (2014) 1 Jurnal Selat 123 <<https://ojs.umrah.ac.id/index.php/selat/article/view/116/116>>.

3 Jimly Asshiddiqie, *Pokok-Pokok Hukum Tata Negara Indonesia Pasca Reformasi* (Bhuana Ilmu Populer 2007) 149.

4 Pamoe Rahardjo, *Bung Karno Dan Pancasila Menuju Revolusi Nasional* (Galang Press 2002) 187.

5 Zulfikri Suleman, *Demokrasi Untuk Indonesia: Pemikiran Politik Bung Hatta* (2010).

6 ibid 7.

7 In Hatta's thought, the term democracy is equated with the term people's sovereignty, as he said "democracy or what Hatta called it, people's sovereignty, is essentially a shift and replacement of king's sovereignty to become people's sovereignty". Look Mohammad Hatta, *Buku 3, Karya Lengkap Bung Hatta, Perdamaian Dunia Dan Keadilan Sosial* (PT Pustaka LP3ES 2000) 415.

democratic framework for Indonesia, drawing from Western, Islamic, and indigenous Indonesian thought.⁸ Hatta's influence extended to his involvement in formulating the Jakarta Charter as a member of the Committee of Nine. Paragraph IV of the Jakarta Charter encapsulates the fundamental values of people's sovereignty for the Indonesian state, based on Pancasila,⁹ which is the foundation of the state, its ideology, and national philosophy. Subsequently, the Jakarta Charter was integrated as a Preamble within the 1945 Constitution.

Hatta was also an important figure who changed the preamble of the Jakarta charter, particularly the change in the first precepts of Pancasila. The clause "based on Godhead, with the obligation to carry out Islamic law for its adherents" was changed to "based on belief in the One Supreme God"¹⁰. The changes made in the first precepts played an important role in building the spirit of unity and integrity of the Indonesian nation and accommodating all the wishes of the Indonesian people at the beginning of independence. Hatta was called the father of people's sovereignty in Indonesia¹¹. This title refers to Hatta's thoughts as outlined in the *Daulat Ra'jat* magazine, which was published on September 20, 1931.¹²

Some arguments presented underscore the notion that the concept of popular sovereignty developed and practiced in Indonesia aligns with Hatta's perspective. Despite a significant alteration in the third amendment to the 1945 Constitution, which transferred the enforcement of the principle of people's sovereignty from the MPR to the Constitution,¹³ the essence of people's sovereignty remains rooted in the Pancasila values enshrined in the Constitution's Preamble. Therefore Hatta's approach to studying the concept of people's sovereignty in Indonesia remains relevant to existing developments.

Hatta emphasized that the difference between the sovereignty of the Indonesian people and the sovereignty of the West, stating that people's sovereignty is the essence of democracy. The democracy in the West rests on the notions of liberalism

8 Raden Levia Asriana, Aim Abdulkarim and Kokom Komalasari, 'Kajian Pemikiran Mohammad Hatta Tentang Demokrasi Di Indonesia' (2018) 18 *Jurnal Civicus* 34 <<https://doi.org/10.17509/civicus.v18i2.5183>>.

9 The idea of popular sovereignty as a fundamental basis was instilled in the Preamble of the 1945 Constitution Mohammad Hatta, *Kedaulatan Rakyat*, Indonesia and carried out by Committee 9, consisting of Hatta, Muhd. Yamin, Soebardjo, Maramis, Soekarno, Kahar Moezakkir, Wachid Hasjim, Abikusno Tjokrosujoso, and Agus Salim.

10 Wildan Nurul Fajar, 'Pemikiran Ki Bagoes Hadi Koesoemo Mengenai Konsep Negara' (2018) 12 *Khazanah Pendidikan, Jurnal Ilmiah Kependidikan* 44 <<https://scholar.archive.org/work/gyz27qcuqbgtl52kaxqxlefa/access/wayback/http://jurnal.nasional.ump.ac.id/index.php/khazanah/article/download/4059/2370>>.

11 Sri Edi Swasono, a professor of economics at the University of Indonesia, considers that the figure of Bung Hatta is not only enough to be called the Father of Cooperatives but also the Father of People's Sovereignty; this is stated in his book Sri Edi Swasono, *Bung Hatta: Bapak Kedaulatan Rakyat* (Yayasan Hatta 2000).

12 Hatta stated, "For us, the people are the main thing, the common people who have deficiencies, strength (sovereignty), because the people are the heart of the nation, and the people are the measure of our low level. With the people, we will go up, and with the people, we will go down. The life or death of Independent Indonesia depends on the spirit of the people. Advocates and a group of educated people only exist, meaning that behind them there are people who are aware and willing to force themselves. Tim Penulis Yayasan Hatta, *Daulat Ra'jat* (Yayasan Hatta 2002).

13 Jimly Asshiddiqie, 'Building a Constitutional Aware Culture To Create a Democratic Law State' (2023) 8 *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 2 <<http://www.petita.ar-raniry.ac.id/index.php/petita/article/view/128/285>>.

and individualism while democracy in Indonesia rests on the understanding of togetherness (mutualism) and the principle of brotherhood. Western democracy relying on people's sovereignty is referred to as a liberal democracy that upholds the values of individualism where individual interests are prioritized. In contrast, the democracy in Indonesia, which is based on people's sovereignty, is developed based on the original values of the Indonesian nation, namely Pancasila, emphasizing togetherness and the common interest means prioritizing the collective interest.¹⁴ Hence, this research examines the concept of people's sovereignty developed in Indonesia using the perspective of Mohammad Hatta.

Methods

This research is a doctrinal legal research aimed at examining legal rules, principles, concepts, or doctrines. It involved a rigorous systematic exposition, analysis, and critical evaluation of the rule of law, principle or doctrine and its inter-relations. Doctrinal legal research is closely related to critical review of legislation and the decision-making process and underlying policies.¹⁵ Thus, this research applied two approaches: the historical and the conceptual approach. The historical approach was conducted by examining the development of thought regarding people's sovereignty, aiming to reveal philosophies or mindsets that develop and are relevant to the application of people's sovereignty in Indonesia. The conceptual approach was conducted by examining the idea of people's sovereignty instilled by Hatta as one of the Founding Fathers of the State of Indonesia in the Jakarta charter, later became the foundation of the Indonesian state placed in the preamble, paragraph IV, of the 1945 Constitution, which remains valid to date.

Result and Discussion

The Development of People's Sovereign Thought

The concept of people's sovereignty is glorified by democracy, where it serves as a spirit and institutionalization of the principles of freedom and equality, culminating in political approval through majority rule, included in the juridical framework.¹⁶ The relationship between popular sovereignty and democracy is symbiotic: while popular sovereignty represents a philosophical concept, democracy denotes a political system whose essence is grounded in people's sovereignty. Thus, discussions concerning people's sovereignty inherently encompass democracy, and conversely, discussions regarding democracy inherently involve considerations of people's sovereignty.¹⁷

The concept of popular sovereignty emerged as a response to monarchical sovereignty in Europe, which resulted in monopoly and abuse of power, creating tyranny and misery of the people and church hegemony monopolizing the interpretation of religious teachings, imposing dogmas on society. This resistance gained momentum in 1517, when accusations surfaced that the church exercised its power to acquire worldly wealth and power. Against the absolutism of the king and the hegemony of the church, resistance arose, driven by the Monarchomach movement. This resistance is based on the understanding that citizens have the right to rebel and defend

14 Meutia Farida Hatta Swasono, 'Bung Hatta Dan Perjuangan Bagi Indonesia' (2011).

15 Ani Purwati, *Metode Penelitian Hukum Teori Dan Praktek* (Tika Lestari ed, Jakad Media Publishing 2020), hlm 11.

16 Hendra Nurtjahjo, *Filsafat Demokrasi* (Bumi Aksara 2006) 83; A Ahsi Thohari, 'The Manifestation of the Rechtsidee of Pancasila in Regulating the Constitutional Rights in Indonesia' (2019) 4 *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 149.

17 Khairul Fahmi, *Pemilihan Umum Dan Kedaulatan Rakyat* (PT Raja Grafindo Persada 2012) 22.

themselves from an arbitrary government and come to the point that if the king violates the law, the people no longer need to obey him.¹⁸

This resistance resulted in ideas about popular sovereignty. Hence, in 1979 the Monarchomachia wrote down the ideas of popular sovereignty in a book entitled "Vindiciae Contra Tyrannos", the core of which stated in the book that "a king may not rule arbitrarily against the people if that happens, everyone's right to fight will arise. Regarding sovereignty, the book's teachings stated "even though the king was chosen by God, he was appointed with the approval of the people. No one is born as a king; someone cannot become a king without the people. Monarchomachia's thoughts published in the book was then widely known as a teaching about popular sovereignty.¹⁹

Later, this teaching of popular sovereignty developed and inspired the French Revolution, and became world-dominating in the 19th century. This teaching became the basic principle of democracy. Even though the implementation varies in each country, this idea, growing from the Roman tradition, dominates almost 90% of the countries in the world.²⁰ In its development, three important figures developed this teaching: Thomas Hobbes, John Locke, and Jean Jacques Rousseau. Despite the differences in the thoughts of these philosophers related to popular sovereignty, there is a fundamental similarity among the three philosophers, viewing popular sovereignty as born from the theory of community agreements (social contracts).

For instance, Hobbes conceptualized popular sovereignty through the lens of a social contract, envisioning a transition from a state of chaotic society—where individuals were inherently hostile and at war with each other, known as "bellum omnium contra omnes"—to a civilized state. Hobbes believed that this situation must be ended for the sake of the continuation of human life. Then, humans will be aware and, in this case, a social contract is carried out. Hobbes envisioned a social contract in which everyone said, "I authorize and give up my right of governing myself to this man, or this assembly of men, on this condition, that you give up your right to him and authorize all his actions in like manner".²¹ With these words, a state was formed to end the state of nature as intended.

In Hobbes's theory, only one agreement is known, namely the agreement between the people appointing the government. However, according to Hobbes, the agreement alone was inadequate, he added that the person or group of people appointed by society to regulate people's lives must be given power. According to Hobbes, a social contract without power is likened to "... covenants, without the sword, are but words, and of no strength to secure a man at all".²² Further development of the idea of

18 Arief Budiman, *Teori Negara, Negara, Kekuasaan Dan Ideologi* (PT Gramedia Pustaka Utama 2002) 26. See also, Muhammad Siddiq et al Armia, 'Post Amendment of Judicial Review in Indonesia: Has Judicial Power Distributed Fairly?' (2022) 7 JILS 525; Muhammad Siddiq Armia, 'Ultra Petita and the Threat to Constitutional Justice: The Indonesian Experience' [2018] Intellectual Discourse.

19 ibid 27-28.

20 Jimly Asshiddiqie, *Gagasan Kedaulatan Rakyat Dalam Konstitusi Dan Pelaksanaannya Di Indonesia, Pergeseran Keseimbangan Antara Individualisme Dan Kolektivisme Dalam Kebijakan Demokrasi Politik Dan Demokrasi Ekonomi Selama Tiga Masa Demokrasi, 1945-1980* (PT Ikhtiar Baru Van Hoeve 1994) 9.

21 F Isjwara, *Pengantar Ilmu Politik* (Putra Bardin 1999) 143.

22 ibid.

popular sovereignty was developed by the next generation, John Locke who poured his thoughts into a book entitled "Second Treatise of Civil Government". In the book, Locke expressed his objection to absolute monarchy, as it was said "without any basis of consent of those who are governed. Absolutism in the narrow sense is not a political society at all, but mere violence."²³

The main point of Locke's thought is that since birth humans have basic rights that cannot be reduced (non-derogable rights), namely the right to life, the right to self-independence, and the property right. These three rights are natural rights. The state was born because of an agreement among its citizens aiming to guarantee these rights.²⁴ John Locke argued that the state was formed based on pactum unionist, namely an agreement between individuals to form a state. From that agreement, the people then made a subjections pactum, namely an agreement between the people and the government. He argued that the people give their mandate and rights through a subjections pactum to the ruler or government, if the government is still subject to the state constitution. The people's mandate is given to the government to manage the country based on the constitution as the embodiment of the will of the people. However, the people do not surrender all their rights to the government. The people retained several property rights and liberties.²⁵

In summary, Locke's thoughts became the basis for a liberal democratic theory, later developed by James Medison, Jeremy Bentham, and James Mill, known as the "protective theory of liberal democracy", whose essence was summarized by David Held as follows. *The principle of justification*: citizens need protection from the government and fellow citizens to ensure that those who govern carry out policies that are by the interests of the citizens as a whole. *Key features*: Sovereignty ultimately rests with the people but is given to representatives who can legitimately carry out state functions. Regular elections, secret voting, competition between factions, between candidate leaders, and between parties and government by the majority are the institutional basis for creating accountability from those who rule. *State power* must be impersonal, namely legally limited and distributed among the executive, legislature, and judiciary. The importance of constitutionalism is to guarantee freedom from arbitrary treatment and equality before the law in the form of political rights and rights as citizens.²⁶

The further development of the idea of popular sovereignty was compiled by Jean Jacques Rousseau in his book Social Contract, published in 1762,²⁷ which was based on his very strong opposition to state absolutism in monarchical government. Rousseau argued "In the ideal social collectively, the opinions, interests, and preferences of individuals are amalgamated into the "general will," which is the only legitimate sovereign authority-legitimate because it contains, and transcends, the wills of the

23 Diane Revitch dan Abigail Thernstron, *Demokrasi Klasik Dan Modern – Tulisan Tokoh-Tokoh Ulung Sepanjang Masa* (Yayasan Obor Indonesia 2005) 72.

24 Eddy Purnama, *Negara Kedaulatan Rakyat, Analisis Terhadap Sistem Pemerintahan Indonesia Dan Perbandingannya Dengan Negara-Negara Lain* (Nusa Media 2007) 36.

25 Simanjuntak, *Pendidikan Kewarganegaraan* (Grasindo 2007) 151.

26 John Locke, *Kuasa Itu Milik Rakyat, Esai Mengenai Asal Mula Sesungguhnya. Ruang Lingkup, Dan Maksud Tujuan Pemerintahan Sipil* (Pustaka Filsafat, Kanisius 2002) 15.

27 Betrand Russel, *Sejarah Filsafat Barat Kaitannya Dengan Kondisi Sosio Politik Zaman Kuno Hingga Sekarang* (Pustaka Pelajar 2004) 907.

individual members. In such a regime, laws that are by the general will are not coercive, and they are never unjust, for no one can coerce or be unjust to oneself".²⁸

Rousseau's thoughts on popular sovereignty stem from a social contract, where the social contract referred Rousseau is "Each of us collectively places our selfhood and all our power under the supremacy of the general will, and in our collective capacity we accept each member as an inseparable part of the whole". The step of creating a moral and collective institution, called the "state" when it is passive, the "ruler" when it is active, and the "power" when about other similar institutions".²⁹

Rousseau did not view the social contract as a historical event but as a "*dekkarbeid*" (construction).³⁰ According to him, the social contract never happened but was only a thought constructed based on human experiences in the context of the relationship between humans and the state. The state based on a social contract positions the government as the head of state organizations formed and determined by the sovereign, namely the people. In Rousseau's conception of sovereignty, the holder of sovereignty is the people, therefore, it is the people who have the highest authority over state power or from which state power is born.

Rousseau explained that everyone has his own will. On the other hand, there is also the interest of individuals to maintain social relations, which are called the general will or *volente generale*. In such a perspective, the task of the state is seen as an implementer of the general entrusted by the people. In other words, the will of the people is the will of the state. The people own the state and are not the rulers.³¹ In Rousseau's judgment the general will is above the interests of the individuals united in a state, always constant, irreplaceable, and pure.³²

Furthermore, Rousseau argued that *volonte de tous* is the will of the whole people, which is only used by the people once, namely when the state is to be formed (when a social contract occurs).³³ The purpose of the *volente de tous* is to provide a basis for the state to exist eternally because this is a unanimity of will, and if the state has been established, the statement regarding the agreement to form the state cannot be withdrawn. In essence, Rousseau did not agree that the surrender of the people's authority to the authorities or the state was a mere manifestation of the surrender of rights and freedoms. The social contract is interpreted as a means to revive the orderly structure of government and state structures and also to ward off the philosophical anxiety that plagued the people in the era of the state of nature.³⁴ Related to the views of Rousseau, known as the father of popular sovereignty, several Indonesian legal experts argued that the implementation of democracy in Indonesia derived from Rousseau's teachings.³⁵

28 Scoot Gordon, *Controlling The State: Constitutionalism From Ancient Athens To Today* (Harvard University Press 2002) 31.

29 Russel (n 26) 909.

30 Djokosoetono, *Ilmu Negara* (In Hill Co 2006) 111.

31 Rusdy, *Konstitusionalisme Indonesia, Dasar Dan Teori* (Pusat Kajian Konstitusi dan Peraturan Perundang-Undangan (PKKPUU) Fakultas Hukum Universitas Lampung 2013) 5.

32 Jean Jacques Rousseau, *Du Contract Social (Perjanjian Sosial)* (Transmedia 2009) 179.

33 Mohammad Kusnadi and Harmaily Ibrahim, *Pengantar Hukum Tata Negara Indonesia* (Sinar Bakti 1980) 115.

34 *ibid* 126.

35 Sudijono Djojoprajitno, *Demokrasi Kita Ala Hatta Dalam Teori Dan Praktik* (LPPM Tan Malaka 2008) 35.

The Conception of People's Sovereignty in Hatta's Thoughts

Before delving into the mind of Mohammad Hatta, it should be noted that he was a patriotic nationalist. However, before becoming a nationalist, he was a social democrat; as a social democrat, Hatta's thoughts leaned more towards democracy than socialism.³⁶ The figure of Hatta is a socialist who upholds democratic values. The interesting fact about the character of Hatta's thought is that the socialism that he adheres to is said to be an ideology combining the concept of socialism originating from original Indonesian values and socialism from Western thought. As said, Hatta's understanding of socialism originates from Indonesian collectivism, as reflected in the village community, in the form of gotong royong and the principle of kinship. For him, the principle of kinship needs to be reflected in intentions, which in debates are not seeking enmity but truth. Furthermore, another source of Hatta's socialism is Western socialism, because he studied in the Netherlands.³⁷

Hatta's socialist thinking, rooted in original Indonesian values, was developed in 1961. He argued that all socialist understandings have in common, that is, they want a life free of oppression and exploitation and guarantees certainty of livelihood in the sense of prosperity and personality development for everyone. However, in the context of Indonesians related to socialism, it is not as depicted by the Marxist teachings about class conflict. Socialism in Indonesia has its style using Indonesian national character, which was born from the racial conflict in Indonesia between the Indonesian people and the Dutch people, stronger than the class conflict.

Such a conception of socialism greatly influences Hatta's thoughts regarding the idea of popular sovereignty, which needs to be developed in Indonesia. Hatta said that people's sovereignty means people's government. The government is run by leaders trusted by the people.³⁸ Hatta is a figure who thinks that sovereign people are crucial for a nation. Therefore, Hatta not only understood the subject of popular sovereignty but also fought for it. This attitude is influenced by Islamic religious teachings and customs in Minangkabau, known as a civilized country.³⁹

According to Islamic teachings, people's sovereignty is manifested in powers related to human function as the caliph of Allah. The core of Islamic thought is a theocracy that upholds God's sovereignty; However, God's sovereignty in its implementation is realized in the sovereignty of the people giving a mandate to leaders elected as mandates.⁴⁰ Tan Malaka elaborated Minangkabau customs, that the understanding of people's sovereignty has grown for a long time in the archipelago. For example, as exemplified by the Minangkabau tribe in West Sumatra in the 14th to 16th centuries, the king's power was limited by his submission to the values of justice and decency. This can be found in the customary rules of the Minangkabau tribe, stating that "the

36 Idayu Yayasan, *Bung Hatta Kita Dalam Pandangan Masyarakat* (PT Inti Idayu Press 1982) 46.

37 Pangeran Nagari Hutabarat, 'Pemikiran Politik Mohammad Hatta Tentang Demokrasi' (2015) 4 Journal Politic and Government Studies 12 <<https://ejournal3.undip.ac.id/index.php/jpgs/article/view/8213>>. See also, Oliver Crawford, 'The Communist Manifesto in Indonesia' (2022) 53 Journal of Southeast Asian Studies 562 <<https://www.cambridge.org/core/product/98CB3D45E085786207ACEE1CE02B514C>>.

38 Kholid O Santoso, *Mencari Demokrasi, Gagasan Dan Pemikiran* (Sega Arsy 2009) 61.

39 Sri Edi Swasono, *Bung Hatta: Bapak Kedaulatan Rakyat* (Yayasan Hatta 2000) 358-359.

40 Andri (n 1) 145.

people reign over the prince, the prince reigns in consensus, and consensus reigns in the flow and is appropriate".⁴¹

The proverb explains that the king in Minangkabau culture in every policymaking and action must be based on logic and justice, so that logic or common sense and the values of justice become a measuring tool for policies issued by a king, which of course can be rejected by society if contrary to common sense and the principle of justice.

The dream of a sovereign people in realizing an independent Indonesia is reflected in Hatta's words "Because the people are the body and soul of the nation and it is the people who measure our high and low degrees. With the people, we will rise and with the people, we will descend. The life and death of an independent Indonesia depend on the spirit of the people."⁴² In this opinion, Hatta emphasized that the people in question are educated people. Educated people are aware of their self-esteem, rights and obligations. Based on this opinion regarding people's sovereignty, two assumptions can be drawn, namely first, in addition to being sovereign, the people are also responsible for the sovereignty they carry and secondly, a sovereign people will not be able to strip their sovereignty.⁴³

The thought of people's sovereignty in Hatta's view was seen in his speech delivered in 1957 when he visited the People's Republic of China. In his speech, Hatta conveyed that there were three kinds of influences on the acceptance and upholding of people's sovereignty in Indonesia. First, the habit of living in cooperation and especially village meetings. Even though the Javanese kingdoms tended to be authoritarian (with the recognition of the king as the representative of the god), village life reflected how sovereign the village people were. This can be seen from the joint meetings that are often held to improve village life and the existence of *pape* (protest) rights that allow village people to demonstrate in the square to express their opinions against the provisions of the authorities. Second, Islamic teachings emphasize deliberation, in areas where Islamic influence is strong. Even though they have a king, the king cannot act arbitrarily, because a just king is worshiped while a tyrannical king is the king in denial. Third, the concept of democratic socialism rejects capitalism and liberalism. This comprehension gained traction in Indonesia, particularly following the education of numerous Indonesian students in the Netherlands. This understanding differs from socialism, which is considered a stage leading to communism and is often associated with dictatorship. The Indonesian Association, particularly under the leadership of Hatta from 1926 to 1930, advocated for this understanding within the framework of the national movement.⁴⁴

Based on the speech, it can be concluded that Hatta envisioned the development of democracy in Indonesia as a form of social democracy, originating from three key sources: first, Western socialist ideology, which attracted attention due to the humanitarian principles it espoused and its overarching goal; second, Islamic teachings advocate for divine truth, justice in society, and brotherhood among all

41 Indra (n 2) 122.

42 Suleman (n 5) 194.

43 ibid 198. See also, Winibaldus Stefanus Madung, Otto Gusti Ndegong; Mere, 'Constructing Modern Indonesia Based on Pancasila in Dialogue with the Political Concepts Underlying the Idea of Human Rights' (2021) 5 Journal of Southeast Asian Human Rights 1 <<https://jurnal.unej.ac.id/index.php/JSEAHR/article/view/20258>>.

44 Andri (n 1) 198.

humans as creations of God; and third, the understanding that Indonesian society is rooted in collectivism.⁴⁵

Mohammad Hatta's political thoughts developed and became a strategy to achieve an independent Indonesia. Hatta's idea was that the sovereignty of the people created by Indonesia must be rooted in social life, characterized by collectivism.⁴⁶

His concept of collectivism, however, allowed for the coexistence of individualism. He emphasized that adhering to the ideology of a familial state does not entail individuals losing their freedom to express diverse opinions. Hatta reminded, "In collectivism, there are a few rights for the members of the family, expressing their feelings to organize, make the collectivism body as good as possible".⁴⁷ With such a view, it can be understood that the notion of collectivism in Hatta's version differs from the concept associated with communism, which often negates individual rights altogether. Hatta's concept of collectivism, rooted in Indonesia's original values, stemmed from the spirit of gotong royong (cooperation) and emphasized deliberation for consensus.

In discussions regarding the foundational principles of the Indonesian state, Hatta emphasized "The country must be in the form of a Republic based on people's sovereignty. However, the sovereignty of the people, which is understood and propagated in the circles of the national movement, is different from Rousseau's concept of individualism. Sovereignty of the people created by Indonesia must be rooted in social life characterized by collectivism. Indonesian democracy must also be a development of "original" Indonesian democracy. The nationalist spirit arose as a response to Western imperialism and capitalism, strengthening the desire to establish a state that reflects the inherent values of society."⁴⁸

When examined in more depth, the collectively born from the spirit of togetherness, kinship, and a sense of mutual belonging meant by Hatta is reflected in the culture of gotong-royong and consensus deliberation. This notion was then extracted into the 4th precept of Pancasila, which reads: Democracy led by wisdom in representative deliberations is sourced from traditions within Indonesian rural communities, which were born from cultures formed from generation to generation. For example, given the example of every culture in Indonesia, there is a tradition of deliberation and consensus which is carried out with the principle of deliberation and representation. In Minangkabau culture, it is known as mufakat ninik-mamak, in an Acehnese culture known as "duek pakat gampong", in Bugis customs, it is known by the term "tudang sipulung" in the Yokari tribal community in Jayapura known as "Orudia", in Tanah Toraja is known for its culture "ma'kombongan", the Rejang tribe in Bengkulu is known as "tuai kutai", in Larantuka known as "kumpo kao abang", in the Alas tribe known as "sepakat segenap", in the culture of the Gayo tribe known as "pakat jeroh genap bisè".

45 Mohammad Hatta, *Karya Lengkap Bung Hatta, Buku 2, Kemerdekaan Dan Demokrasi* (PT Pustaka LP3ES 2000) 435.

46 Mat Jalil, 'The Essence of Muhammad Hatta's Democracy: The Relevance to the Development of Regional Autonomy' (2021) 26 International Journal of Scientific and Technology Research 417 <<https://www.redalyc.org/journal/279/27966514035/27966514035.pdf>>.

47 Yudi Latif, *Mata Air Keteladanan* (Mizan 2014) 280.

48 Yudi Latif, *Negara Paripurna, Historis, Rasionalitas, Dan Aktualitas* (Gramedia Pustaka Utama 2011) 385.

However, in practice, consensus deliberations carried out with the principle of deliberative representation vary between communities. For instance, in Minangkabau culture, the legitimacy of decisions to determine communal desires and the will of the Minangkabau people lies with the *Ninik Mamak*. Legitimacy to represent communal desires and will is obtained based on matrilineal lineage, a tradition deeply embedded in Minangkabau culture. Conversely, in Aceh, a different deliberative style of representatives prevails, where legitimacy is bestowed upon traditional instruments or individuals involved in "duek pakat gampong," such as "geuchik," "Tuha Peut," "Tuha Lapan," "Imeum Mukim," and others. Legitimacy in Aceh is not based on lineage but on customary positions obtained through appointment by the community or through community consensus in general. Similar distinctive patterns of democracy are observed in the societal cultures of other tribes, each rooted in the unique cultural fabric of their respective societies.⁴⁹

This explanation reflects Hatta's ideology, where the ideals of people's sovereignty are linked to eliminating cultural nationalism and societal strata, elevating the people's status through cooperatives, fostering unity among the broader population, and implementing programs based solely on the people's needs.⁵⁰ These ideals, particularly in eliminating cultural nationalism, underscore Hatta's vision that people's sovereignty, manifested through democratic behaviour, must be deeply rooted in the culture of each society. Hence, the collectivism advocated by Hatta is not a generic form that homogenizes all aspects of democratic behavior; rather, it is deeply intertwined with the cultural milieu of society. Consequently, people's sovereignty, nurtured through implementing Indonesia's original values within a democratic framework, is bottom-up and firmly grounded in noble societal values. It is not even top-down seeks to impose a uniform form of democracy or in other words cultural nationalism, where the top-down model or uniformity of forms of democracy, which can be seen as an authoritarian suppressive of the unique regional characteristics that should be highlighted.

If the red thread or correlation is drawn from each of Hatta's views regarding the people's sovereignty developed for Indonesia, it can be easily understood that the people's sovereignty applied in Indonesia should be regional or territorial in nature, which is influenced by values prevalent in the society which are summarized in cultural patterns. These patterns reflect the spirit of cooperation, kinship, unity, decency, and ethics, while upholding customs and religious values.

The Conception of People's Sovereignty in Indonesia Through the Idea of Hatta's Thought
Concerning the concept of people's sovereignty, experts believed that the concept or idea of thought can be explained in more detail into certain principles. The essence of people's sovereignty can be measured and have a clear picture, not just floating ideas

49 Muhammad Siddiq Armia, 'Public Caning: Should It Be Maintained or Eliminated? (A Reflection of Implementation Sharia Law in Indonesia)' [2019] Qudus International Journal of Islamic Studies; Muhammad Siddiq Armia and others, 'Criticizing the Verdict of 18/JN/2016/MS.MBO of Mahkamah Syar'iyah Meulaboh Aceh on Sexual Abuse against Children from the Perspective of Restorative Justice' (2022) 17 AL-IHKAM: Jurnal Hukum & Pranata Sosial 113.

50 Jalil (n 45) 419. See also, Muhammad Siddiq Armia and Muhammad Syauqi Bin-Armia, 'Introduction: Maintaining the Constitutional Rights to Create a Better Society' (2023) 8 Petita : Jurnal Kajian Ilmu Hukum dan Syariah 69; Muhammad Siddiq Armia and Muhammad Syauqi Bin-Armia, 'Introduction: Form Over Substance, Achieving Objectives While Preserving Values' (2023) 8 Petita : Jurnal Kajian Ilmu Hukum dan Syariah i.

stating the source of power in the hands of the people regardless of what kind of people? Or by what mechanism? Or implemented in what way?

Hendra Nurtjahyo argued that the concept of people's sovereignty has at least three main principles: freedom, equality, and majority vote sovereignty.⁵¹ It was further explained that freedom is meaningless if there is no equality, and freedom without equality will lead to a new tyranny. Conversely, equality will never be realized if freedom is not given. Both will not be realized if sovereignty is not acknowledged. Based on this explanation, all the principles of popular sovereignty are one unit, complement each other, and cannot be separated. Hendra Nurtjahyo classified the principles of freedom and equality as existential principles, and the principle of majority vote is known as the procedural principle. On the other hand, Khairul Fahmi added that at least the principle of popular sovereignty consists of four principles, freedom, equality/equality, majority vote, and accountability.⁵² It is said that the first two principles are the essence of people's sovereignty, called essential principles, and the second two principles are the procedures for implementing people's sovereignty, called procedural principles. These principles can be further described.

Firstly, the principle of freedom entails individual autonomy to act or refrain from acting, yet this freedom is not absolute but subject to limitations. These limitations stem from two sources: the inherent rights or freedoms possessed by an individual and additional constraints imposed by the state through applicable laws and regulations. If an individual's independence does not encroach upon these two aspects, the state must guarantee their freedom. Such freedoms include the right to make political choices, assemble or associate freely, and express opinions. These rights are inherent to citizens, and it is the state's responsibility to ensure their exercise without infringing upon the rights of others or violating established legal provisions.

Secondly, the principle of equality and equity, as articulated by Hendra Nurtjahyo, is intricately linked with the principle of freedom. It posits that individuals should be free to appreciate their liberties, ensuring that all individuals hold the same political values and have equal demands for exercising their freedoms.⁵³ Equality also includes the view that every individual regardless of background, race, religion, or gender, possesses the same inherent rights and opportunities to contribute to the state. Within this principle lies Hatta's stance against cultural nationalism, class divisions, or societal strata, and his promoting a sense of unity and oneness.

Thirdly, the principle of majority vote is a consequence of the principles of freedom and equality. The principle of a majority vote in its application will actualize the principles of freedom and equality. To create conditions wherever democracy exists,

51 Nurtjahjo (n 15) 75. See also, Alexander Latham-Gambi, 'Political Constitutionalism and Legal Constitutionalism—an Imaginary Opposition?' (2020) 40 *Oxford Journal of Legal Studies* 737 <<https://academic.oup.com/ojls/article/40/4/737/5939843>>; Bertrand Chopard and Marie Obidzinski, 'Public Law Enforcement under Ambiguity' (2021) 66 *International Review of Law and Economics* 105977 <<https://linkinghub.elsevier.com/retrieve/pii/S0144818821000016>>.

52 Khairul Fahmi, 'Prinsip Kedaulatan Rakyat Dalam Penentuan Sistem Pemilihan Umum Anggota Legislatif' (2016) 7 *Jurnal Konstitusi* 130 <<https://jurnalkonstitusi.mkri.id/index.php/jk/article/view/735/227>>. See also, Obikwu, 'The Federal Constitution, National- Ethnic Minority Groups and the Creation of States: The Post-Colonial Nigerian Experience' (2017) 2 *PETITA: Jurnal Kajian Ilmu Hukum dan Syari'ah* <<http://petita.ar-raniry.ac.id/index.php/petita/article/view/56>>.

53 Nurtjahjo (n 15) 78.

freedom and equal political rights are finally manifested into political choices through the procedure of people's votes which are measured qualitatively (majority principle) and their actualization through voting. While this principle is predominantly utilized in decision-making, elections, and other matters, it rests on the premise that the decision of the majority, backed by their support, reflects the collective will of society at large. However, it is essential to acknowledge the need to safeguard minority rights, thus resorting to this principle only when deliberation and consensus fail to yield a resolution. Hatta's political conduct illustrates a preference for consensus deliberation in decision-making, yet he also recognized the utility of the majority vote as a final recourse to reconcile conflicting needs.

Fourthly, the principle of accountability, rooted in the concept of popular sovereignty, dictates that it is the people who give power or legitimize power to parties entrusted with administering state affairs. The power given by the people must be accountable to the people. Thus, Miriam Budiardjo argued that accountability is one of the principles of democracy.⁵⁴ This notion is in line with what Hatta said that the sovereign people will be responsible for the sovereignty they have. For this reason, the principle of accountability is part of the essence of Hatta's thoughts on the concept of people's sovereignty.

These four principles of sovereignty align closely with Hatta's vision of popular sovereignty to be cultivated in Indonesia. By anchoring his core ideas in collectivist values derived from Indonesian culture and indigenous customs, Hatta posited that authentic Indonesian democracy flourishes at the grassroots level, particularly within villages. Therefore, it is imperative to underscore the cultural pluralism inherent in Indonesia, as it reflects the essence of people's sovereignty based on Hatta's ideology—a recognition of the original cultural fabric of society, which is territorially bound to regional cultures.

Hatta's ideas concerning the concept of people's sovereignty, as previously outlined, suggests the emergence of the fifth principle of people's sovereignty, known as the territorial principle, which serves as a procedural principle. This principle is a manifestation of efforts to strengthen genuine democratic values based on the culture of Indonesian society, as espoused by Hatta. This principle is also used as a procedure for the implementation of other principles, such as the principles of freedom and equality, which are not understood in a general or broad sense but rather from a communal perspective from an existing societal culture accepted and upheld within the community.

The genesis of the territorial principle, stemming from Hatta's ideas, can be traced historically through an examination of discussions on the state's foundations during the meeting of the Investigative Body for Preparatory Efforts for Indonesian Independence held on July 10, 1945. During this meeting, which deliberated on the proposed draft of the state's foundational preamble, Mohammad Yamin, one of the founding figures of the Indonesian nation, expressed his views. In response to the

54 *ibid* 73. See also, Anang Dony Irawan, 'Nationalism In A State Based On Pancasila' (2020) 5 *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* <<http://petita.ar-raniry.ac.id/index.php/petita/article/view/85>>; Yasar Aulia, 'Fundamental Principles of The Legislation Process: Comparative Study Between Indonesia and The United Kingdom' (2021) 6 *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 40.

prolonged deliberations on fundamental matters about the Indonesian state, Yamin emphasized the significance of people's sovereignty, stating,

"But when we formed the State of Indonesia, the sovereignty of the Indonesian people in various ways becomes the sovereignty of the Republic of Indonesia, and this sovereignty is not only aimed at the Indonesian people but is also aimed at their territory...".⁵⁵

Hence, it can be affirmed that the territorial principle in the conception of people's sovereignty was not solely formulated based on Hatta's ideas as a pivotal figure in the nation's founding but was also explicitly articulated by Mohammad Yamin, another prominent figure who contributed significantly to the formulation of the state's foundational preamble. Understanding the contemporary relevance of this concept is crucial, as the notion of popular sovereignty embedded in the preamble to the 1945 Constitution remains pertinent to current developments in Indonesia. Although the 1945 Constitution has undergone four amendments, the preamble, ratified by the Preparatory Committee for Indonesian Independence on August 18, 1945, remains unchanged and continues to guide Indonesia's governance framework.

Conclusion

The principle of popular sovereignty, enshrined by the founding fathers of the nation in the fourth paragraph of the preamble to the 1945 Constitution, asserts that Indonesia's sovereignty emanates from the people and is grounded in the values of Pancasila. However, it can be observed that the conception of popular sovereignty, as it relates to the values of Pancasila, remains somewhat abstract.

Hatta's ideas in this regard became a reference in extracting the foundational principles inherent in Indonesia's conception of popular sovereignty. He posited that the concept of Indonesian's popular sovereignty differs from the popular sovereignty in the west, as proposed by Rousseau's individualistic understanding. Instead, it is rooted in the original values embedded within the cultural fabric of its people, exhibiting a collective nature.

This collectivist perspective does not seek to impose a homogenized notion of the general will that leads to cultural assimilation and uniformity. Rather, it strives to accommodate the diverse interests present within society. Concerning Hatta's ideas, the concept of people's sovereignty developed through Hatta's ideas contains five principles categorized into two main groups: essential principles, which are the core of people's sovereignty and include the principles of freedom and the principle of equality, and procedural principles, which become technical implementation of people's sovereignty and include the principle of majority vote, the principle of accountability and the principle of territoriality. The development of the territorial principle draws upon the application of the indigenous values from regional cultures within Indonesia.

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