

THE CONSTITUTION OF A DEMOCRATIC STATE AS A REGULATION OF STATE INSTITUTIONS: A STATE SCIENCE PERSPECTIVE

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ABSTRACT

This study aims to analyze the urgency of strengthening the principle of constitutionalism within Indonesia's constitutional framework and to formulate recommendations for future improvements. The method employed is a normative juridical approach through an examination of legislation and evolving constitutional practices. The results indicate that the implementation of constitutionalism in Indonesia still faces several challenges, including a weak legal culture, overlapping authority among state institutions, and an underdeveloped system of checks and balances. Therefore, clearer institutional arrangements, the strengthening of public constitutional awareness through education, and regulatory reforms oriented toward legal certainty and justice are necessary. In conclusion, strengthening constitutionalism is a strategic step toward realizing a democratic, transparent, and accountable government, so that the principle of the rule of law can be effectively implemented in the practice of state administration.

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1. Introduction

The constitution constitutes the fundamental foundation for the administration of state life. Conceptually, a constitution is understood as the entire system of state governance that encompasses basic norms, principles, and rules regulating the organization of state power, the relationships among state institutions, and the interaction between the state and its citizens. The constitution does not consist solely of a written legal document (a written constitution), but also includes unwritten norms, conventions, and practices that develop and function within the constitutional life of a state. In this sense, the constitution operates both as *Grondwet* (fundamental law) and as *Staatsregeling* (state regulation), serving as the principal legal framework that guides state administration and governance in an orderly, legitimate, and public-oriented manner ([Cahillane, 2018](#); [Loughlin, 2015](#)).

In democratic states, a strong and effective constitution is indispensable. Democracy demands a constitutional framework capable of regulating the separation and distribution of powers among the executive, legislative, and judicial branches of government. Such regulation is essential to prevent the concentration of power and to ensure mutual control among state institutions. [Brown \(2017\)](#), emphasize that an effective constitution is not merely well-formulated in text, but also comprehensively understood, internalized, and consistently implemented in constitutional practice. A constitution must clearly define the limits of authority of each branch of power and provide mechanisms for accountability to ensure that democratic governance operates in accordance with the rule of law.

From the perspective of state theory, the state is a historical and social phenomenon that has evolved alongside human civilization. The concept of the state has evolved from simple forms of governance to complex, institutionalized systems that regulate various aspects of public life. Fundamentally, the state is an organized authority established to achieve collective goals and to manage public affairs for the common good. [Offe \(2019\)](#), argue that a state's success is primarily determined by its ability to integrate its governmental systems with society's needs, interests, and aspirations. Thus, the existence of a state cannot be separated from the constitutional system that regulates and directs the exercise of power in a legitimate and structured manner. In this context, the constitution serves as a controlling and guiding

instrument that ensures state power is exercised in accordance with agreed norms and principles. Without a constitutional framework, the exercise of power risks becoming arbitrary and detached from public accountability. Therefore, constitutional arrangements play a crucial role in shaping a state's character, determining whether it operates as an authoritarian entity or as a democratic, law-based system that prioritizes public welfare and justice.

Democracy as a system of government is characterized by public participation in political decision-making and respect for human rights. Democratic governance presupposes legal guarantees that protect civil liberties and political rights, while ensuring equality before the law ([Bekkers & Edwards, 2016](#)). Democracy is inherently linked to constitutionalism, as constitutionalism asserts that governmental power must be limited and regulated by the constitution to safeguard citizens' rights and uphold the supremacy of law. [Fagbadebo \(2023\)](#), explains that in democratic states, the constitution functions as a fundamental instrument of power limitation, ensuring that legislative, executive, and judicial authorities do not exceed their constitutional mandates. The relationship between democracy and constitutionalism is reciprocal and inseparable. Democracy without constitutionalism may lead to majoritarian tyranny, where the will of the majority overrides the rights of minorities and individuals. Conversely, constitutionalism without democracy may result in a rigid legal system that lacks public legitimacy and responsiveness. Therefore, integrating democracy and constitutionalism is essential to creating a balanced system of governance that combines popular sovereignty with legal restraint.

Indonesia constitutionally affirms itself as a democratic state and a state based on the rule of law, as stipulated in the 1945 Constitution of the Republic of Indonesia. The constitutional amendments enacted during the reform era have brought significant transformations to Indonesia's constitutional structure, particularly in strengthening democratic principles, enhancing human rights protection, and reorganizing state institutions. These amendments aimed to correct the concentration of power that characterized the pre-reform period and to establish a more accountable and transparent system of governance. Despite these constitutional advancements, implementing constitutional principles in Indonesia continues to pose substantial challenges ([Tibaka & Rosdian, 2018](#)). [Martin \(2014\)](#), highlights that law enforcement in Indonesia remains weak due to structural, regulatory, and cultural constraints. Inconsistencies in legislation, ineffective coordination among state institutions, and declining public trust in law enforcement agencies indicate that the rule of law principle has not yet been fully realized. These conditions contribute to public skepticism and apathy toward legal institutions, undermining the legitimacy of constitutional governance.

One of the most critical aspects of constitutional governance in a democratic state is the regulation of state institutions. State institutions serve as the organizational framework through which state power is exercised. In state theory, the state is viewed as an institutionalized organization that performs governmental functions based on constitutional mandates and statutory regulations. Adequate institutional arrangements are essential to ensure that governance operates efficiently, democratically, and constitutionally. Following the amendments to the 1945 Constitution, Indonesia experienced significant institutional expansion, including the establishment of independent state institutions intended to strengthen checks and balances and enhance democratic accountability. However, this institutional growth has also generated new challenges, such as overlapping authorities, ambiguous institutional relationships, and jurisdictional conflicts. [Burke & Siyaranamual \(2019\)](#), asserts that unclear institutional arrangements may weaken governmental effectiveness and reduce public confidence in state institutions. Without clear constitutional and legal foundations, independent institutions risk operating beyond their mandates or encroaching upon the authority of other state organs.

The increasing complexity of institutional governance in Indonesia underscores the urgency of this research. Without a clear and coherent constitutional framework, institutional arrangements risk deviating from democratic and constitutional principles. Therefore, a systematic examination of how democratic constitutions should regulate state institutions is essential to strengthen constitutionalism,

democracy, and the supremacy of law. Accordingly, this study aims to: (1) analyze the concept of the constitution and variations of governmental systems from the perspective of state theory; (2) examine the characteristics and structure of state institutions in democratic states; and (3) analyze the regulation of democratic state institutions within the framework of state theory to identify institutional models that are constitutional, democratic, and effective. The findings of this study will likely provide meaningful contributions to academic discourse and serve as a reference for institutional reform and constitutional development in Indonesia.

2. Methodology

This study employs a normative juridical legal research method with a conceptual approach grounded in the perspective of State Theory (State Science). Normative juridical research is appropriate because this study examines legal norms that regulate the constitution and the institutional structure of the state within a democratic system, as embodied in constitutional provisions and relevant legislation. The conceptual approach is used to analyze and interpret fundamental concepts of the state, constitution, democracy, and state institutions, drawing on theories in state theory and constitutional law ([Rohman et al., 2024](#)). The sources of legal materials in this study include primary and secondary sources. Primary legal materials include the 1945 Constitution of the Republic of Indonesia and statutory regulations related to the regulation of state institutions. Secondary legal materials include scholarly books, academic journal articles, prior research findings, and expert opinions relevant to constitutionalism, democratic governance, and institutional arrangements.

These legal materials are collected through library research to obtain a comprehensive theoretical and normative foundation for the analysis. The study of legal materials is conducted qualitatively, using deductive reasoning, in which general legal principles and constitutional doctrines are examined to draw specific normative conclusions. This method aims to produce normative explanations of the role of the democratic constitution as a framework for regulating state institutions and to clarify the ideal institutional arrangements within a democratic constitutional system grounded in the principles of constitutionalism, democracy, and the supremacy of law ([Asshiddiqie, 2006](#)).

3. Results and discussion

3.1 Constitution and State Institutions

The constitution holds a central position as a fundamental instrument in the formation and regulation of state institutions. The constitution not only serves as the supreme fundamental law that serves as a reference for all laws and regulations, but also serves as a normative guideline that ensures that the structure and functions of state institutions are carried out in accordance with democratic principles. These principles include popular sovereignty, the separation and limitation of powers, and the rule of law, which collectively aim to create a just, transparent, and accountable government ([de la Porte & Jensen, 2021](#)). From a State Science perspective, the constitution provides a clear theoretical framework for understanding how legislative, executive, and judicial institutions are formed, empowered, and supervised in carrying out their functions. In other words, the constitution serves as a pillar that affirms the balance of power and citizen rights, while also serving as a check on government abuse.

Furthermore, this research shows that the state's institutional arrangements are strongly influenced by the system of government and the ideology adopted. In socialist countries, such as Vietnam, the constitution explicitly establishes a single party as the primary political force. This has a direct impact on the functioning of state institutions, where the legislative, executive, and judicial branches play a more central role in implementing party policy than acting as independent checks on power. The National Assembly, for example, is responsible for establishing national laws and policies but remains under the direction and oversight of the Vietnamese Communist Party, thereby preventing the full implementation of the separation of powers characteristic of constitutional democracy ([Polyák, 2019](#)).

In contrast, research on monarchies shows significant variation in institutional arrangements. In absolute monarchies, such as those in Brunei Darussalam, the king's power is virtually unrestricted, and state institutions function solely as extensions of the ruler's will. In this context, popular participation in government is limited or even non-existent, while checks and balances are virtually non-existent. In contrast, both constitutional and parliamentary monarchies emphasize the division of powers through the constitution. The king or queen serves as a symbolic head of state. At the same time, the legislative, executive, and judicial functions are carried out more professionally and accountably, with oversight mechanisms that enable public participation in the political process ([Daudu & Fagbadebo, 2019](#)). Thus, the existence of a constitution is not merely a legal formality but also a strategic tool that shapes the quality of national life, both in regulating power and protecting citizens' rights. This research shows that without an effective, consistently implemented constitution, state institutions tend to lose their oversight function and may deviate from the goals of democracy.

3.2 Form of State and Institutional Implications

Socialist states, such as the Socialist Republic of Vietnam, emphasize the role of a single party as the primary political force in governing the country. The Vietnamese Constitution explicitly stipulates that the Communist Party leads political and social affairs, placing the legislative, executive, and judicial branches under the party's control; thus, the principle of separation of powers is not functionally applicable (Wat et al., 2024). In practice, the National Assembly, as the legislature, enacts laws and national policies in line with the party's political line, while the president and cabinet, as the executive, and the judiciary, as the judiciary, are tasked with implementing the party's ideological policies (Sastra et al., n.d.). This political structure demonstrates that the effectiveness of state institutions depends heavily on the extent to which power is consolidated in a single party, and socialist constitutions emphasize ideological objectives over independent oversight mechanisms ([Hermanu et al., 2025](#)).

Democracies, such as Indonesia, emphasize popular sovereignty through free, fair, and regular elections, which are guaranteed by the constitution. Indonesia's institutional structure follows the principle of trias politica, with the legislature, executive, and judiciary mutually monitoring and limiting each other's power. The legislative branch is tasked with drafting laws and overseeing the implementation of government policies, the executive branch implements policies based on laws, and the judiciary enforces the law independently, including protecting citizens' rights. This checks-and-balances mechanism prevents the dominance of one institution over another, ensures public participation, and upholds the rule of law as a foundation of democracy. Thus, the effectiveness of democratic institutions is greatly influenced by the extent to which the constitution limits government power, guarantees public participation, and upholds human rights.

3.3. Challenges of Democratic Institutions

Research shows that the constitution holds a central position as a fundamental instrument in the formation and regulation of state institutions. The constitution serves not only as the supreme fundamental law but also as a normative guideline that ensures the structure of state institutions adheres to democratic principles, including popular sovereignty, limitations on power, and the rule of law. From a state science perspective, the constitution provides a theoretical framework for understanding how legislative, executive, and judicial institutions are formed, empowered, and supervised in carrying out their functions. Socialist countries, such as the Socialist Republic of Vietnam, emphasize the role of a single party in government. In this system, the legislative, executive, and judicial institutions are under the control of the Communist Party; thus, the principle of separation of powers does not functionally apply. The National Assembly, as the legislature, enacts laws and national policies in accordance with the party's political line; the president and cabinet, as the executive, implement the party's ideological policies; and the judiciary, as the judiciary, ensures legal decisions align with the party's political line.

This structure demonstrates that institutional effectiveness depends heavily on the extent to which the constitution limits power and guarantees popular participation ([Hudson, 2020](#)).

On the other hand, monarchies exhibit variations in the control of power. In absolute monarchies, such as Brunei Darussalam and Saudi Arabia, the ruler wields complete power over all branches of government, allowing state institutions to function as extensions of the ruler's will without independent oversight mechanisms. Conversely, in constitutional and parliamentary monarchies, the power of the king or queen is limited by the constitution, while representative institutions carry out government functions democratically. This system allows for checks and balances between institutions and protects popular participation, as seen in Japan, the United Kingdom, and Malaysia. Democracies, such as Indonesia, emphasize popular sovereignty through free, fair, and regular elections. Their institutional structure follows the principle of *trias politica*, with the legislative, executive, and judiciary mutually checking and limiting each other's power. The legislative branch drafts laws and oversees the implementation of government policies, the executive branch implements policies based on laws, and the judiciary independently enforces the law. This checks-and-balances mechanism prevents the dominance of any one institution, ensures public participation, and upholds the principle of the rule of law ([Holcombe, 2018](#)).

Furthermore, research confirms that democratic institutions possess key characteristics, including popular sovereignty, free and fair elections, the rule of law, freedom of expression, political pluralism, protection of minority rights, openness to public information, and government transparency and accountability. However, implementing these principles faces several challenges. In Indonesia, low political literacy, corrupt practices, oligarchic dominance, social polarization, unequal access to education and health care, and declining public trust in political institutions are significant obstacles to maintaining democracy. These findings demonstrate that the existence of formal institutions alone is insufficient; active public participation, effective law enforcement, and government transparency are crucial for realizing a healthy democracy.

The discussion of this study's findings shows that the success of democratic institutions depends not only on their formal structures but also on how they function in accordance with democratic principles. Socialist states emphasize ideological goals over the distribution of power, monarchies emphasize the ruler's control over state institutions, while democracies emphasize the balance of power and popular participation. In Indonesia, the principles of popular sovereignty, law enforcement, human rights protection, and political participation serve as the foundation for creating a government system that is transparent, accountable, and responsive to the needs of the community. Thus, the constitution serves as a strategic instrument that not only regulates power but also shapes a political culture and a sustainable democratic system of government.

4. Conclusion

The constitution plays a central role in the state system, particularly in democracies, as it serves as the supreme legal basis that sets the limits of power, protects human rights, and governs state institutions to ensure balance and avoid power domination. In Indonesia, the division of legislative, executive, and judicial powers stipulated in the constitution reflects the principle of checks and balances, ensuring a transparent, accountable, and public-welfare-oriented government. The development of democracy and constitutional amendments has given rise to independent state institutions that strengthen the system of government but also pose challenges in coordination and the potential for overlapping authority.

To address these challenges, the Indonesian government needs to strengthen a culture of constitutionalism through comprehensive legal and political education, fostering public constitutional awareness from an early age. This is crucial to ensure transparent, accountable governance and adherence to the principles of the rule of law. Furthermore, regular evaluations of state institutions'

performance and consistent legal and constitutional reforms must be conducted to ensure their relevance to current developments and societal needs. Improving political education and constitutional awareness is also necessary to encourage active, critical, and constructive public participation in the democratic system. Thus, the constitution and the principles of constitutionalism serve as the foundation for effective, democratic, and trusted state institutions.

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