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# The Constitution Of Indonesia A Contextual Analysis Constitutional Systems Of The World

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Professor Supomo was for many years one of Indonesia's foremost scholars and by far its leading constitutional authority, having served as Minister of Justice in several cabinets. His death in 1958 was a great loss to Indonesian government and legal scholarship. The Provisional Constitution of the Republic of Indonesia was only one of Professor Supomo's many important published writings, the main body of which dealt with Indonesian customary

law. This book, however, is undoubtedly the most significant source on the Constitution of 1950. This Constitution remained operative for approximately seven years after the formation of the Unitary State in August 1950, being fully and officially superseded only in July 1959 with the return to the Constitution of 1945. Professor Supomo's commentary on the individual articles forms the most important analysis and interpretation of the 1950 Constitution to have appeared. Those interested in Indonesia's political development should therefore find this translation useful. - George McT. Kahin, March 10, 1964

Indonesia has a growing population of almost 300 million people, it is increasingly involved in world affairs, and has a booming economy. The need to better understand its unique, complex, and often obscure legal system, has become pressing. This is true across a wide range of sectors including, but not limited to, trade and

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investment, crime and terrorism, and human rights. Indonesia's democratization after the fall of Soeharto in 1998 triggered massive social and political changes that opened up this diverse, and formerly tightly-controlled, society. Law reform was a key driver of Indonesia's transformation and its full effect remains to be seen. This book offers clear and detailed explanations of the foundations of Indonesia's legal system in the context of its legal reform and rapid development. It offers succinct commentaries on a wide range of issues, examining the judicial process, the constitution, corruption and the court system, contract law, administrative law, foreign investment, taxation, Islamic law, and family law. It examines current substantive law and judicial interpretation and presents case studies of how the system operates in practice. Written in an accessible and engaging style, this book is an essential guide for readers seeking quick and clear answers to questions regarding the law and its application in Indonesia.

The Spirit of the Constitution of 1945

The First Amendment of the 1945 Constitution of the Republic of Indonesia

The Constitution of Indonesia

And, The Act Number 24 of 2003 on the Constitutional Court of the Republic of Indonesia

The Provisional Constitution of the Republic of Indonesia (act No. 7 1950, Gazette 1950 No. 56) and the Lucidation to Act No. 7, 1950

"The Constitutional Court and Democracy in Indonesia" provides detailed, English-language analysis of the decision-making of Indonesia's Constitutional Court in democracy-related cases.

For decades, Indonesia's 1945 Constitution, the second shortest in the modern world, was used as an apologia by successive authoritarian regimes. A bare-bones text originally intended as a temporary measure, it did little beyond establish basic state organs, including a powerful presidency. It did not offer citizens real guarantees or protections. These weaknesses were ruthlessly exploited by the military-backed regime that President Soeharto headed from 1966 until his fall in 1998. The (first ever) amendments to the Constitution, which began the following year and were completed in 2002, changed all this. Enlarging and rethinking the Constitution, they ushered in a liberal democratic system based around human rights, an open society and separation of powers. These reforms also created a Constitutional Court that has provided Indonesia's first judicial forum for serious debate on the interpretation and application of the Constitution, as well as its first significant and easily-accessible body of detailed and reasoned judgments. Today, Indonesian constitutional law is rich, sophisticated and complex. This book surveys this remarkable constitutional transition, assessing the implementation of Indonesia's new constitutional model and identifying its weaknesses. After covering key institutions exercising executive, legislative and judicial powers, the book focuses on current constitutional debates, ranging from human rights to decentralisation, religious freedom and control of the economy.

Constitution of Indonesia, August 18, 1945  
1945

The Djakarta Charter

The Constitutional Court and Democracy in Indonesia

Act Number 24 of 2003 on the Constitutional Court of the Republik of Indonesia

**Constitutionalism in Islamic Countries: Between Upheaval and Continuity** examines the question of whether something similar to an "Islamic constitutionalism" has emerged out of the political and constitutional upheaval witnessed in many parts of North Africa, the Middle East, and Central and Southern Asia. In order to identify its defining features and

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to assess the challenges that Islamic constitutionalism poses to established concepts of constitutionalism, this book offers an integrated analysis of the complex frameworks in Islamic countries, drawing on the methods and insights of comparative constitutional law, Islamic law, international law and legal history. European and North American experiences are used as points of reference against which the peculiar challenges, and the specific answers given to those challenges in the countries surveyed, can be assessed. The book also examines ways in which the key concepts of constitutionalism, including fundamental rights, separation of powers, democracy and rule of law, may be adapted to an Islamic context, thus providing valuable new insights on the prospects for a genuine renaissance of constitutionalism in the Islamic world in the wake of the "Arab spring."

The fall of New Order Regime under President Suharto saw the emergence of Reformasi (Reformation) and the beginning of various institutional and governmental changes done in the pursuit of democracy in Indonesia. Constitutional justice is fundamental to the success of democratic transition in the country. One of the results democratic reform and constitutional changes after Reformasi in 1998 is the establishment of the Constitutional Court of the Republic of Indonesia.

Constitutions, Religion and Politics in Asia

New Constitutionalism For The Emerging of New Democracy :The Case of Indonesia

Constitution of the Republic of Indonesia  
Constitutional Democracy in Indonesia  
DEMOCRATIC CONSTITUTIONALISM

"The nationalist movement of Indonesia promptly seized power in the country two days after the collapse of Japan, and proclaimed an Independent Republic of Indonesia on August 17, 1945. The Indonesian Constitution, as "a revolutionary constitution", was established on August 18, 1945 by the Indonesian Independence Preparatory Committee (Panitia Persiapan Kemerdekaan Indonesia) in a document called the Constitution (Oendang-Oendang Dasar) of the Republic of Indonesia. From a juristic point of view a victorious revolution itself becomes a lawcreating fact, and therefore the legality of the Constitution of the Republic of Indonesia is judged by reference to the success of the Indonesian revolution." --

The Constitutional Court and Democracy in Indonesia provides detailed, English-language analysis of the decision-making of Indonesia's Constitutional Court in democracy-related cases.

The Constitution (1945) of the Republic of Indonesia  
And, Law of the Republic of Indonesia Number 24 Year 2003  
Concerning the Constitutional Court as Amended with Law  
Number 8 Year 2011 Concerning the Amendment of Law  
Number 24 Year 2003 Concerning the Constitutional Court  
The Case of Constitutional Review by the Indonesian  
Constitutional Court  
Religion and Regulation in Indonesia  
Protecting Economic and Social Rights in a Constitutionally  
Strong Form of Judicial Review

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The 1999-2002 constitutional amendments to Indonesia's Constitution inserted some important features of a modern constitution. These include the introduction of a comprehensive human rights provision and a new constitutional court. This dissertation focuses on these two features and aims to understand the roles of this new court in protecting economic and social rights (ES rights). It primarily analyzes (1) factors that explain the introduction of a constitutional court in Indonesia, (2) the Court's approaches in conducting judicial review of ES rights cases, (3) Factors that were taken into account by the Court when it decided cases on ES rights, and (4) the lawmakers' response toward the Court's rulings on ES rights. This dissertation reveals that, first, the introduction of a constitutional court in Indonesia can be best explained by multiple contributing factors -not a single factor. These factors include the history of judicial review in Indonesia, the impeachment of President Abdurrahman Wahid, the fragmentation of political powers and the influence of other countries experiences. Second, Tushnet's and Young's typologies are actually quite helpful in conceptualizing and understanding the Indonesian Constitutional Court's approach to judicial review. Like most constitutional courts, Indonesia's Court has certainly not limited itself to a legal or doctrinal approach to decisions, but has taken many other factors into account in its decisions. The Court has developed several approaches to judicial review other than the approach that is expressly stated in the Constitution and the Constitutional Court Act. In general, the Court has been fairly strong in its approach to judicial review, and has not been afraid of declaring that statutes are inconsistent with the Constitution. At the same time, the Court has not consistently applied a "strong form "of judicial review in Tushnet's concept, but has moved back and forth among different approaches depending on the nature of the case, the complexity, the financial impact, and other factors. Third, while the Court largely adopted a peremptory stance, in Young's typology, this has also not been consistent. In some instances, the Court has entered in a more interactive discourse with the government and the legislature, also depending on the nature of the case, the impact of the decision, and the concern about leaving a legal vacuum by simply rendering an important statute void. Finally, this dissertation found that the lawmakers' response toward the Court rulings has partly depended on what the Court wrote in its decisions. The Court has developed some techniques to anticipate the lawmaker's response. These techniques include null-and-void decisions, declaration of incompatibility (suspension of invalidation), judicial order directed to the lawmakers, a statement upholding a statute but requiring the lawmakers to interpret the law in conformity with the court's interpretation (conditional decision), and the invalidation of a statute in its entirety. These techniques can be explained using the five stances of Katharine G. Young's judicial review ranging from deferential, conversational, experimental, managerial, to

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peremptory stances. This dissertation shows that the effect of judicial review differs across issues. Judicial review may not be likely to generate the same effective implementation in all situations. From a comparative perspective, this dissertation provides significant confirmation that the Indonesian Constitutional Court's approaches in deciding cases on economic and social rights can be analyzed through Tushnet's weak form and strong form of judicial review. It also contributes ample evidence that the relationship between the Indonesian Constitutional Court, the legislature, and the executive can be understood using Young's typology of judicial review. This book critically evaluates different models of judicial leadership in Indonesia to examine the impact that individual chief justices can have on the development of constitutional courts. It explores the importance of this leadership as a factor explaining the dynamic of judicial power. Drawing on an Aristotelean model of heroism and the established idea of judicial heroes to explore the types of leadership that judges can exercise, it illustrates how Indonesia's recent experience offers a stark contrast between the different models. First, a prudential-minimalist heroic chief justice who knows how to enhance the Court's authority while fortifying the Court's status by playing a minimalist role in policy areas. Second, a bold and aggressive heroic chief justice, employing an ambitious constitutional interpretation. The third model is a soldier-type chief justice, who portrays himself as a subordinate of the Executive and

Legislature. Contrary perhaps to expectations, the book's findings show a more cautious initial approach to be the most effective. The experience of Indonesia clearly illustrates the importance of heroic judicial leadership and how the approach chosen by a court can have serious consequences for its success. This book will be a valuable resource for those interested in the law and politics of Indonesia, comparative constitutional law, and comparative judicial politics.

Indonesia's Road to Hell

Once More Res Publica! : Address by President Sukarno Before the Constituent Assembly on April 22, 1959 on the Return to the Constitution of 1945 and the Implementation of Democracy with Leadership A Socio-legal Study of the Indonesian Konstituante, 1956-1959

Indonesia, Malaysia and Sri Lanka

The 1945 Constitution

This book focuses on constitutional reform in Indonesia (1999-2002) from the perspective of shari'a. The study reveals one possible picture of how Islam and constitutionalism can co-exist in the same vision, not without risk of tension, but with the possibility of success.

Disclaimer This Book is for Introduce Indonesian's Constitution only, cant be used as legal reference. It's not authorized translation. The translator not responsible for any missuse from this book.

Law and Politics of Constitutional Courts

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Constitution and Political Manifesto of the Republic of Indonesia  
Law of the Republic of Indonesia Concerning the Constitutional Court  
Constitution of the Republic of Indonesia of 1945 and the Djakarta Charter  
Constitutional Change and Democracy in Indonesia  
How did democracy became entrenched in the world's largest Muslim-majority country? After the fall of its authoritarian regime in 1998, Indonesia pursued an unusual course of democratization. It was insider-dominated and gradualist and it involved free elections before a lengthy process of constitutional reform. At the end of the process, Indonesia's amended constitution was essentially a new and thoroughly democratic document. By proceeding as they did, the Indonesians averted the conflict that would have arisen between adherents of the old constitution and proponents of radical, immediate reform. Donald L. Horowitz documents the decisions that gave rise to this distinctive constitutional process. He then traces the effects of the new institutions on Indonesian politics and discusses their shortcomings and their achievements in steering Indonesia away from the dangers of polarization and violence. He also examines the Indonesian story in the context of comparative experience with

constitutional design and intergroup conflict.  
The Indonesian 1945 Constitution and Indonesian law on Constitutional Court.  
Constitution of Indonesia in English  
The 1945 Constitution of the Republic of Indonesia  
The Law of the Republic of Indonesia Number 24 of the Year 2003 Regarding the Constitutional Court as Amended by the Law Number 8 of the Year 2011 Regarding the Amendment to the Law Number 24 of the Year 2003 Regarding the Constitutional Court in One Manuscript  
Democratic Transition and Constitutional Justice: Post Reformasi Constitutional Adjudication in Indonesia  
Around and about the Indonesian Constitution of 1945  
This book analyses the relation between state and religion in Indonesia, considering both the philosophical underpinning of government intervention on religious life but also cases and regulations related to religious affairs in Indonesia. Examining state regulation of religious affairs, it focuses on understanding its origin, history and consequences on citizens' religious life in modern Indonesia, arguing that while Indonesian constitutions have preserved religious freedom, they have also tended to construct wide-ranging discretionary powers in the government to control religious life and oversee religious freedom. Over more than four decades, Indonesian

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governments have constructed a variety of policies on religion based on constitutional legacies interpreted in the light of the norms and values of the existing religious majority group. A cutting edge examination of the tension between religious order and harmony on one hand, and protecting religious freedom for all on the other, this book offers a cutting edge study of how the history of regulating religion has been about the constant negotiation for the boundaries of authority between the state and the religious majority group. As religious polarisation in society deepens, political actors and policy-makers have begun to struggle with questions on the role of the dominant religion and how religion influences constitutional commitments and development. By focusing on Indonesia, Malaysia and Sri Lanka, *Constitutions, Religion and Politics in Asia* demonstrates how constitution-making and the operation of constitutional arrangements involving religion cannot be separated from the broader political dynamics of society. Although constitutions establish legal and political structures of government institutions and provide tools for rights protection, they do not operate in a vacuum divorced from the games of power and the political realities surrounding them. Here, Shah sets out how constitutions operate and evolve and demonstrates how constitutional provisions can produce unintended consequences over time. A vital new source of scholarship for students and scholars of law and religion and comparative constitutional law, and those interested in issues of constitutionalism and

legal and political history in Asia.

*A Comparative Study*

*The Constitution of the State of the Republic of Indonesia of the Year 1945 in One Manuscript*

*A Contextual Analysis*

*The 1945 Constitution of the State of the Republic of Indonesia*

*Shari'a & Constitutional Reform in Indonesia*

*Constitutional Democracy in Indonesia* discusses the ongoing debates over the meaning, implementation, and practice of constitutional democracy in Indonesia. Current legal issues are analysed in light of social, political, and economic reforms since the constitution's entering into force.

This impressive book, written by a very promising Indonesian scholar who has worked on the Indonesian Constitutional Court himself, provides an important contribution to the literature on Indonesian constitutionalism. It has many strengths, including its multidisciplinary approach (combining political science and law); the detail of its description and analysis of Indonesia's progress towards constitutionalism (from the eve of Indonesia's independence until the present day); its attention to historical detail; and its cogently-argued predictions for the future of constitutionalism in Indonesia. I wholeheartedly recommend this significant work to students and scholars of Indonesian politics

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and law. Simon Butt, Ph.D (Associate Professor,  
Sydney University Law School, Australia)  
Indonesia and the Search for Judicial Heroes  
Constitution of Indonesia, 1945  
Res Publica!  
The Provisional Constitution of the Republic of  
Indonesia  
Constitutionalism in Islamic Countries: Between  
Upheaval and Continuity