



Navigating constitutional amendments between aspiration and understanding substance

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Abstract: Constitutional amendments serve as the primary mechanism that guarantees the fundamental law's relevance amidst social, political, and economic changes. In the Indonesian context, this process consistently involves a conflict between public ambitions, representing the collective will, and the need to uphold the consistency and integrity of fundamental values. This research employs a normative juridical method, including philosophical and conceptual analysis, to investigate the interplay between popular desires and the comprehension of content, while also evaluating the possible hazards associated with amendments influenced by transient populist or elitist conservatism. The study's findings indicate that public ambitions provide significant social legitimacy for change; but, without a comprehension of content, modifications may disregard the concept of justice and jeopardize the stability of the legal system. Conversely, a strategy that prioritizes content while neglecting the desires of the populace jeopardizes the constitution's relevance to social reality. The equilibrium of the two necessitates an inclusive deliberative framework, ongoing constitutional education, and the sophistication of political culture. Consequently, seeing the constitution as a collective social compact is essential to ensure that constitutional change transcends immediate political reactions and evolves into a strategic initiative to fortify democracy and achieve real justice.

Keywords: Amendment, Constitution, Populism

1. Introduction

The Constitution, at its core, is not only a legal document that codifies the state system of governance in a series of articles (Fathullah et al., 2025). It embodies the collective consciousness of a country, intertwining the past, present, and future within a basic social compact. In political theory, the constitution embodies the "spirit" that animates the state's structure and serves as a "mirror" reflecting the values, goals, and internal conflicts of the community it constitutes. Consequently, every proposal to modify the constitution always has repercussions that extend beyond the technical confines of law; it impacts the essence of the social compact, undermining the fundamental foundations of the state's legitimacy and stability (Nggilu et al., 2024).

Constitutional amendments are often seen as a means of advancing the adaptation of fundamental laws to social, political, economic, and cultural changes. From the standpoint of legal philosophy, alterations to the fundamental principles of the state are neither neutral nor just technical (Setyowati & Toengkagie, 2006). It is a political-legal activity that has intellectual, moral, and existential dimensions. Hans Kelsen, in his Pure Theory of Law, perceives the constitution as the Basic standard, the basic norm that serves as the source of legitimacy for the whole legal system it governs (Bindreiter, 2002). Experimentation Fundamental criterion It signifies addressing the core of the system's legitimacy. Philosophers like John Rawls assert that alterations to foundational institu-

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tions must be evaluated through the prism of substantive justice, determining whether they promote freedom and equality or perpetuate concealed inequities (Ruth-Lovell & Grahn, 2023).

In Indonesia, the discussion around post-reform constitutional revisions has evolved into a battleground of ambitions and comprehension of content. The 1998 reforms enabled significant alterations to the 1945 Constitution, culminating in four revisions between 1999 and 2002 (Budiatri et al., 2019). The revisions enhance democratic space, reinforce the checks and balances system, and emphasize the protection of human rights. This example demonstrates that modifications extend beyond just enhancing the constitution's language or including new provisions. It is a domain of ideological conflict, where idealism intersects with political pragmatism, often resulting in a disparity between societal "aspirations" and the "comprehension of substance" by decision-makers (Muhtar et al., 2024).

The discourse surrounding the amendment of the 1945 Constitution post-reform illustrates this debate, particularly concerning the proposal to extend the presidential term. This proposal is perceived as aligning with the aspirations of certain political elites, yet it faces criticism for neglecting the principle of power limitation (Kusumoningtyas et al., 2025). The proposal to enhance the Regional Representative Council (DPD) is frequently advocated by academics as a necessary measure to reinforce checks and balances; however, it is devoid of political backing. The contradictions indicate an ongoing debate in Indonesian literature and political practice regarding whether amendments should prioritize the articulation of aspirations or the consistency of legal substance.

The aspiration for constitutional amendments frequently emerges as a reaction to public unrest or the pressures exerted by specific groups that perceive the existing system as misaligned with principles of justice. The aspirations, although stemming from a desire to enhance the situation, are frequently entangled in political narratives that lack conceptual coherence. In legal philosophy, this situation exemplifies legal voluntarism, where the prevailing political will propels legal change without sufficient examination of its structural consequences. This phenomenon poses the risk of creating a "patchwork constitution," characterized not by a cohesive vision but by a series of ad hoc responses to transient political pressures.

The comprehension of the essence of amendments is sometimes confined to elite discourse, restricted by the bargaining tables of political institutions and constitutional law specialists. Conceptually, the constitution is the collective property of the populace; the validity of amendments resides in the absorption of constitutional ideals by citizens, rather than alone in the formal endorsement of official institutions. According to Jürgen Habermas's paradigm of deliberative democracy, the amendment should ideally emerge from a logical and inclusive public communication process, where ideas are scrutinized via open conversation rather than just political calculations in private settings.

The conflict between ambitions and comprehension of content is crucial in the process of navigating constitutional reforms. Aspirations devoid of substantive knowledge may lead to popular but superficial modifications, thereby undermining the fundamental values of the constitution. A comprehension of content apart from public aspirations might estrange the constitution from its social context, rendering it a stiff legal artifact and diminishing its moral significance. This paradox in political theory parallels the critique of technocracy, when professionals possess extensive information but remain detached from the genuine experiences of individuals (Walker, 2019).

Effective navigation of constitutional changes requires a synthesis of popular aspirations into philosophically clear and structurally consistent legal language. Political humility is necessary for listening, intellectual rigor for analysis, and moral bravery to oppose alterations that contravene fundamental ideals of fairness and democracy. Karl Loewenstein, via Sociological Constitutionalism, emphasizes that the efficacy of a constitution is determined by the extent to which its ideals are ingrained in social and political conduct, rather than by the length of the text or the quantity of articles.

Consequently, deliberating constitutional modifications in Indonesia transcends mere legal processes or the drafting of provisions. This discourse pertains to the trajectory of the country, specifically with our comprehension of justice, freedom, and sovereignty within the contemporary setting. The issue resides in bridging the divide between the constitutional wording and the evolving social reality, while maintaining the guiding moral principles. The constitutional amendment is an intellectual and political endeavor that needs meticulous navigation to prevent the state from becoming ensnared by the tempest of populism on one side and the shoals of elitist conservatism on the other.

Therefore, the essential inquiry that must be posed is not just "what requires alteration?" However, "why is transformation essential, and how can it ensure the nation's future?" The solution to this inquiry will emerge only when ambitions and comprehension of material mutually enhance and rectify one another. Constitutional changes may serve as a method of advancing democracy and reinforcing the social compact only in that manner, rather than just functioning as a transient political tool.

Prior study has significantly advanced constitutional studies, but with a distinct emphasis compared to current investigation. The research by Juang Muhammad Nur Juanda examines the comparative executive authority between Indonesia and the United States, particularly on the implementation of the checks and balances system, highlighting the differences in power distribution in each nation (Angalana et al., 2024). Josua Satria Collins' analysis of 54 constitutions in the Asia-Pacific region underscores the aspect of cultural protection, focusing on three primary trends: the representation of cultural activists in parliament, the preservation of historical sites, and the facilitation of access to cultural education and research (Collins, 2024). A different emerging viewpoint sees the constitution as a dynamic cultural artifact and a tool for social engineering in the construction of national identity.

Constitutional education plays a critical role in ensuring that constitutional revisions are based not just on political ambition but on a deep comprehension of legal principles. In several constitutional frameworks, like that of Indonesia, public involvement in the amendment process embodies the democratic principle of popular sovereignty. Nonetheless, in the absence of sufficient constitutional literacy, such engagement may devolve into populism and jeopardize the integrity of the legal system. Consequently, constitutional education serves as a normative tool to reconcile democratic ambitions with a thorough understanding of constitutional norms, principles, and processes. Enhancing public constitutional understanding is crucial to avert superficial calls for change and to protect the coherence, validity, and stability of the constitutional framework.

Prior research has enhanced the examination of the constitution, but from a different perspective. Juang Muhammad Nur Juanda and colleagues examined the comparative executive authority of Indonesia and the United States, particularly on the implementation of the checks and balances principle. Josua Satria Collins analyzed cultural protection in 54 Asia-Pacific constitutions and identified three primary trends: representation of cultural advocates, preservation of historical places, and assured access to cultural education and research. Another viewpoint underscores that the constitution is a dynamic and developing cultural artifact, as well as a tool for social engineering. This study especially examines the dialectic between public ambitions and comprehension of content in the modification of the Indonesian constitution, in contrast to previous research. This study addresses a gap in the literature that mostly emphasizes formal legal elements or practical political discourse, providing an inclusive deliberation framework aimed at reconciling socio-political legitimacy with normative coherence.

The challenge presented in this paper is: (1) How can public expectations and comprehension of content be balanced throughout the constitutional amendment process to ensure alignment with fundamental values of justice and democracy? How can constitutional reforms in Indonesia be safeguarded against transient populism or elite conservatism, while also reinforcing the nation's social contract?

2. Materials and Methods

This study employs a normative juridical method with philosophical-conceptual studies, concentrating on the examination of principles, norms, and values that underpin the notion of constitutional change. A normative legal method is used to analyze the constitutional text, pertinent legal provisions, and the doctrines and decisions of judicial bodies concerning constitutional modifications. Philosophical-conceptual studies are used to examine the significance, intent, and philosophical ramifications of the amendment process, particularly on the connection between public aspirations and comprehension of substance.

This study is qualitative, using a descriptive-analytical approach. The principal data source is secondary data acquired by literature reviews, including primary, secondary, and tertiary legal documents (Caglayan, 2021). Primary legal documents include the 1945 Constitution of the Republic of Indonesia, its modifications, pertinent laws and regulations, and rulings from the Constitutional Court concerning constitutional changes. Secondary legal resources include scientific literature, textbooks, journal articles, hearings, and the perspectives of scholars and constitutional law authorities who examine constitutional theory, legal philosophy, and amendment practices. Tertiary legal resources include legal dictionaries, encyclopedias, and more ancillary sources that assist in the interpretation of terminology and ideas.

The data gathering method involves a comprehensive literature search using both print and electronic sources, including academic databases and archives of governmental entities. The gathered data is further examined qualitatively via normative-philosophical analytical techniques. Normative analysis is conducted to ascertain constitutional norms and their connection to fundamental legal concepts, while philosophical analysis is used to elucidate the significance of amendments within the context of justice, deliberative democracy, and the social contract.

This research employs triangulation of sources and ideas to ensure validity. Source triangulation involves juxtaposing the perspectives of diverse experts, official documents, and judicial rulings, whereas concept triangulation entails assessing the alignment of research findings with prominent theories in political and legal philosophy, including the Pure Theory of Law (Hans Kelsen), Justice as Fairness (John Rawls), Sociological Constitutionalism (Karl Loewenstein), and the notion of deliberative democracy (Jürgen Habermas).

The analysis results are articulated as an argumentative description that integrates normative and philosophical aspects, aiming to offer a holistic perspective on the balanced navigation of constitutional amendments between public aspirations and substantive understanding.

3. Results and Discussion

3.1. *The Dialectic between Public Aspirations and Understanding of Substance in the Constitutional Amendment Process*

Constitutional changes originate from the convergence of two primary elements: the collective will reflecting public aspirations and the conceptual knowledge associated with the comprehension of fundamental legal principles. The interplay between the two is not a seamless convergence devoid of conflict; it is a battleground where interests, values, ideologies, and pragmatic considerations are interwoven (Muhtar et al., 2023). From the perspective of political philosophy, this relationship might be seen as a contest over interpretation, specifically the contest about the definitions of "change" and "progress" within the constitutional framework (Agustina et al., 2024).

Public goals can manifest in several and perhaps conflicting ways. It originated from the community's tangible experience with the existing political and legal framework, including discontent with the efficacy of governmental institutions and deficien-

cies in current legal structures. This aim serves as a corrective mechanism against the rigidity of fundamental law within social logic. Nonetheless, its spontaneous, varied, and sometimes instigated character by specific political events renders popular ambitions susceptible to manipulation by populist narratives (Hostovsky Brandes, 2019). Populism, characterized by its emphasis on emotional resonance and problem reduction, may rapidly transform ambitions into demands for change, despite a lack of comprehensive grasp of the consequences.

The comprehension of content is essential in this context. A comprehension of content requires a thorough examination of the structure, function, and foundational concepts of the constitution. It operates not on spontaneous views, but by reasoning that evaluates the logic, coherence, and feasibility of suggested modifications. In Hans Kelsen's theory, the concept of substance is responsible for preventing alterations from undermining the Grundnorm or the foundational norms that support the whole legal system. In this context, each proposed modification should be evaluated based on its capacity to uphold the integrity of the legal system as a whole, rather than only addressing a transient interest.

The dialectic gets further intricate when confronted with Indonesia's political realities. The revision of the 1945 Constitution, executed four times between 1999 and 2002, emerged as a significant milestone for democracy after the reform. Public goals during that period centered on dismantling the concentration of authority, enhancing representative institutions, safeguarding human rights, and constraining presidential power. Nonetheless, the effectiveness of formalizing these ambitions is underpinned by the reality that many of these reforms emerged not just from genuine popular desires, but also from politically charged talks rife with compromises. A transition happens at this juncture: popular ambitions are refracted via elite interests, while the comprehension of content often serves as a mechanism of formal legitimacy rather than the prevailing normative standard.

This state in legal philosophy parallels Habermas's thesis of the juridification of politics. Political procedures intended to be transparent and deliberative often culminate in legal judgments made in private settings, when legal terminology is used to codify the outcomes of political negotiations. Consequently, a disparity exists between popular expectations at the grassroots level and the outcomes of changes resulting from the constitutional legislative process (Hein, 2020).

Nonetheless, it is important to acknowledge that public goals without a comprehension of substance might present significant problems. If calls to alter the presidential term or election procedure arise only from transient unhappiness, without comprehensive analysis of its systemic consequences, the ensuing modification might jeopardize democratic values and establish a dangerous precedent. This aligns with Alexander Hamilton's admonition in *The Federalist Papers* that the constitution requires stability, with amendments occurring only for fundamental reasons rather than as a response to transient upheaval (Amer et al., 2024).

Nonetheless, an excessively limited and elitist interpretation of substance has its own inherent drawbacks. When the discourse on amendments is monopolized by a select group of specialists and politicians, the public becomes estranged from the process of establishing fundamental laws that ought to be theirs. The validity of the amendment may be contested, since it might be legally sanctioned but lack substantial societal support. Loewenstein contends that the validity of the constitution is assessed not alone by legal adherence, but also by the absorption of its ideals across the broader society.

Addressing these contradictions requires methods that align public aspirations with a comprehensive grasp of substance. One approach is to institutionalize deliberative forums that include diverse stakeholders—academics, civic society, minority groups, the media, and political representatives—to publicly debate the proposed revisions. The fo-

rum is not only advisory; it is structured to rigorously evaluate ideas, grounded in evidence, while contemplating long-term consequences.

Moreover, the conversion of public goals into legal terminology requires robust translational skills. This refers to the capacity to translate popular demands, which are often vague, emotive, or symbolic, into specific and actionable constitutional provisions. This necessitates close cooperation between those knowledgeable about social reality and those with technical proficiency in legislative formulation. In the absence of this engagement, public objectives may be diminished or misrepresented throughout the formalization process.

The historical examination of the constitutions of several nations illustrates that this dialectic is a global difficulty. In the United States, the arduous amendment process requiring the consent of two-thirds of Congress and three-quarters of the states fosters stability, while simultaneously renders the constitution challenging to modify. Conversely, nations with amendable constitutions often face the danger of legal and political instability. Indonesia occupies a position between these two extremes, where the amendment process is comparatively more accessible than in the United States, but still needs the backing of a substantial majority in the People's Consultative Assembly (Enonchong, 2022).

The equilibrium between ambition and comprehension of content, in this context, might be seen as a process of constitutional learning. The populace and institutions of the state together derive insights from prior amendments to enhance future change processes. This learning process is cumulative; each modification serves as a lesson on effective strategies, failures, and necessary precautions (Ruotsi, 2024). It is crucial to maintain documentation, trial minutes, scholarly research, and honest public reviews to ensure the continuity of the nation's constitutional memory.

This dialectic may also be interpreted via the framework of social contract theory. Public ambitions embody the collective will (*volonté générale*), which underpins the legitimacy of authority, while comprehension of content serves as a safeguard for the original accord, preventing arbitrary modifications to the social contract. In Rousseau's philosophy, genuine transformation is legitimate only if it arises from a process that upholds the values of freedom and equality for all parties involved in the contract. If either desire or material predominates entirely, the social contract will become unbalanced.

The interplay between public ambitions and the comprehension of content is not just a technical challenge in formulating constitutional modifications, but also a moral examination for the country. It evaluates the capacity of society and political leaders to resist the allure of using the constitution for transient advantages, as well as their ability to uphold a sustained vision of justice, democracy, and popular sovereignty. The efficacy of navigation in this dialectic will ascertain whether the amendment serves as a catalyst for democratic maturing or initiates constitutional disintegration.

Given this intricacy, it is evident that discussions on constitutional changes must be situated within a wider philosophical context. The inquiry into "what was altered" is inextricably linked to "why it was altered" and "how the alteration preserved the system's integrity". This method is the only means by which public objectives may be articulated in alignment with the comprehension of substance, ensuring that the constitution serves as a robust common framework rather than just a battleground for fluctuating interests.

3.2. Maintaining a Balance Between Populism and Elitite Conservatism in Constitutional Reform

Constitutional amendments consistently position the country at a juncture between the need for rejuvenation and the caution on the accompanying hazards. This process involves two primary dangers that, when in opposition, has the capacity to compromise the constitution's integrity. Populism, on one side, emphasizes the emotional resonance

with the populace while often neglecting comprehensive structural examination. Conversely, elite conservatism upholds the status quo under the guise of preserving stability, despite the social reality necessitating substantial transformation.

Populism about constitutional changes operates via discourse that engages popular sentiments. It depends on the simplifying of issues, often by presenting the matter as a stark conflict between the populace and the elite. Under some circumstances, populism may serve as a corrective mechanism against entrenched authority (CP, 2024). Nevertheless, when it governs the amendment process without substantial oversight, populism jeopardizes the constitution, transforming it into a tool responsive to transient upheavals (Foa & Mounk, 2016). Alterations stemming from populist reasoning often lack strategic foresight and are susceptible to engendering new disparities within the power framework.

Elite conservatism occupies the other extreme of the spectrum. This perspective stems from the conviction that political and legal stability supersedes the audacity to implement changes. This perspective regards the constitution as a venerable instrument that ought to be amended minimally. In reality, elitist conservatism may safeguard the system against impulsive alterations. Nonetheless, if it becomes too prominent, it obstructs the constitution's adaptability to contemporary developments and restricts the capacity for adjustments to societal justice needs (Bugarič & Ginsburg, 2016).

The conflict between populism and elite conservatism is an unavoidable occurrence in democracies. Each has distinct allurements and hazards. Populism is enticing since it promises swift transformation aligned with the populace's desires. Elitist conservatism is reassuring since it provides stability and safeguards against systemic disruptions. The issue resides in the political system's capacity to navigate these conflicts, ensuring that constitutional change does not veer towards any extremes (Madung, 2018).

The experiences of several nations provide significant insights. In Latin America, constitutional populism often instigates significant transformations in a short timeframe to bolster a leader's political authority. In Western Europe, elite conservatism often obstructs essential transformation, despite the evident presence of structural issues. Indonesia has a distinctive experience as these two forces manifest either alternately or concurrently in the conversation over amendments. Subsequent to the 1998 changes, a surge of populism spurred four swift revisions that profoundly altered the power dynamics. Two decades later, elite conservatism started to consolidate, predicated on the preservation of political stability and the avoidance of revisiting fundamental national questions.

The equilibrium between populism and aristocratic conservatism need a normative framework that can constrain both. The concept of prudence must be maintained to prevent revisions from being enacted only due to transient political pressure. The idea of transparency must be maintained to ensure meaningful community involvement in the process. These two concepts are mutually reinforcing. Prudence safeguards the constitution against harmful interference, while transparency prevents the rationale for maintaining the constitution from serving as a barrier to protect the interests of certain factions.

This equilibrium may be comprehended within political philosophy via the notion of procedural fairness. John Rawls asserted that an equitable decision-making process is as significant as a just conclusion. The amendment process must be structured to include both populism and elite conservatism during initial discussions, while ensuring that deliberative processes rigorously evaluate each position logically. Habermas's idea of deliberative democracy is pertinent since it emphasizes the significance of accessible public forums and rational discourse (Devinney & Hartwell, 2020).

Regulating populism and aristocratic conservatism does not entail their eradication. Populism has a crucial role in elevating the perspectives of oppressed groups inside the constitutional discourse. Elite conservatism contributes to preserving the historical continuity of the constitution. A method is required that enables these two currents to con-

tribute without completely controlling the direction of change. A potential approach is the formation of an independent committee for the examination of changes, with members from civil society, academia, and governmental agencies. This commission may serve as a counterweight between the impetus for change and the need for stability.

Transparency is essential for the efficacy of this system. Each proposed modification must be supported by a publicly accessible study to provide comprehensive oversight of the process. Empirical evidence indicates that information transparency diminishes the potential for populist manipulation and constricts the domain for elitist conservatism that isolates itself from critique. Through transparency, the public may evaluate whether the rationale for the alteration or dismissal of change is really substantive or just politically motivated (Scholtes, 2019). This equilibrium requires sufficient constitutional education. Individuals who comprehend the fundamental ideas and framework of the constitution are less susceptible to shallow populist tales or deceptive elitist rhetoric. Constitutional education encompasses not just the instruction of article substance but also the empowerment of individuals to critically evaluate proposed amendments. Consequently, the public serves not only as the object of the amendment process but also as the subject that actively engages in it.

The equilibrium between populism and elite conservatism is contingent upon the sophistication of the political culture. A robust political culture appreciates public engagement while honoring experts, and it respects expertise without compromising the populace's objectives. Establishing this kind of political culture needs time and persistence. The method entails collaborative learning from the experiences of the adjustments made, and a readiness to acknowledge and rectify errors.

Constitutional change is fundamentally an endeavor to establish a collective future. The future should neither be dictated only by populist movements or by the strongholds of elite conservatism. Both must be positioned appropriately to harness their energy in order to strengthen democracy and justice. This process necessitates the acknowledgment that the constitution is not the property of a select few parties, but rather belongs to the whole populace. Recognizing this, each step toward reform will contribute to the nation's ongoing endeavor to uphold its social compact and guarantee that the fundamental laws remain relevant amid changing circumstances.

4. Conclusions

The process of constitutional amendment necessitates aligning popular desires with a deep comprehension of essential legal doctrines. This research indicates that public demands provide moral legitimacy and social impetus for change, while a thorough understanding of the constitution provides the intellectual and ethical basis essential for upholding justice, democracy, and the rule of law. The conflict between these elements often produces the simultaneous threats of popular reactionism and elite conservatism, both obstructing substantive constitutional change.

This study presents a normative-philosophical framework that prioritizes openness, inclusive discussion, civic constitutional education, and the development of a responsible political culture as essential strategies for aligning ambitions with doctrinal coherence. These results indicate that policymakers should establish constitutional amendment methods that institutionalize public education, deliberative forums, and procedural protections to promote participatory legitimacy while maintaining constitutional coherence. Such measures would enable amendments to serve as instruments for reinforcing the social compact, rather than as ephemeral political tactics.

This study is confined to a normative-conceptual framework; however, further research should include comparative and empirical investigations of amendment practices across jurisdictions and their interplay with judicial and political institutions. Sustainable constitutional change in Indonesia can only be realized by merging democratic ambitions with a profound knowledge of constitutional principles, therefore maintaining both public legitimacy and legal integrity in a dynamic society.

5. Patents

Supplementary Materials

The following supporting information can be downloaded at: <https://legal.isha.or.id/index.php/legal/index>, Figure S1: Constitutional amendment framework; Table S1: Comparative analysis of judicial decisions; Video S1: Overview of normative-philosophical methodology.

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Data Availability Statement

This study did not generate or examine any new data. Data sharing is not relevant to this subject.

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Conflicts of Interest

The authors assert the absence of any conflict of interest. The funders played no part in the study's design, data collection, analysis, interpretation, manuscript preparation, or publication decision.

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