

THE POSITION OF RIGHTS AND CITIZENS IN THE PERSPECTIVE OF THE INDONESIAN CONSTITUTION ANALYSIS OF THE 1945 CONSTITUTION

Evan Nurfauzan Mulyawan

Universitas Islam Negeri Siber Syekh Nurjati Cirebon
Correspondensi author email: adimulyanao11@gmail.com

Atsiilah Fara Niccu

Universitas Islam Negeri Siber Syekh Nurjati Cirebon

Maida Salma

Universitas Islam Negeri Siber Syekh Nurjati Cirebon

Suci Setia Rahayu

Universitas Islam Negeri Siber Syekh Nurjati Cirebon

A'ah Mar'atus Solikah

Universitas Islam Negeri Siber Syekh Nurjati Cirebon

Abstract

Indonesia's constitutional order is founded on the principle of a state governed by law, in which citizens' rights and obligations form the core of the relationship between the state and its people. The 1945 Constitution provides normative recognition and legal guarantees for fundamental rights while simultaneously prescribing constitutional duties necessary to maintain public order and collective responsibility. In practice, however, the implementation of these rights and duties faces normative ambiguities and practical challenges, including uneven legal awareness and inconsistent enforcement. This study aims to analyze the constitutional position of citizens' rights and obligations based on the 1945 Constitution and to clarify their balanced design within Indonesia's constitutional framework. The research employs normative juridical methods using constitutional, statutory, and conceptual approaches supported by relevant legal doctrines. The findings demonstrate that the Constitution establishes a principled balance between rights and obligations through legal guarantees, proportional limitations, and the state's duty to respect, protect, and fulfill constitutional rights. At the same time, citizens are bound by duties that ensure legal order and social harmony.

Keywords: Citizenship; Constitution; Fundamental Rights; Legal Obligations; UUD 1945

Abstrak

Negara Indonesia menempatkan diri sebagai negara hukum yang menjadikan pengaturan hak dan kewajiban warga negara sebagai fondasi utama hubungan antara negara dan rakyat. Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 memberikan pengakuan normatif dan jaminan konstitusional terhadap hak-hak warga negara sekaligus menetapkan kewajiban konstitusional untuk menjaga ketertiban dan kepentingan bersama. Dalam praktik

ketatanegaraan, masih terdapat ketimpangan pemahaman serta tantangan implementasi yang memengaruhi efektivitas perlindungan hak dan pelaksanaan kewajiban. Penelitian ini bertujuan menganalisis kedudukan hak dan kewajiban warga negara menurut UUD 1945 serta menjelaskan prinsip keseimbangannya. Metode yang digunakan adalah penelitian yuridis normatif dengan pendekatan perundang-undangan dan konseptual. Hasil kajian menunjukkan bahwa konstitusi menjamin hak melalui mekanisme hukum dan menegaskan peran negara dalam menghormati, melindungi, dan memenuhi hak, sekaligus menuntut kepatuhan warga negara terhadap kewajiban hukum. Simpulan penelitian menegaskan urgensi keseimbangan hak dan kewajiban untuk memperkuat kesadaran konstitusional dan kepastian hukum. Temuan ini diharapkan mendorong praktik ketatanegaraan yang lebih adil, bertanggung jawab, dan selaras dengan nilai negara hukum demokratis melalui penguatan pendidikan hukum warga negara dan konsistensi kebijakan publik nasional berkelanjutan.

Kata Kunci : Hak Warga Negara; Kewajiban Warga Negara; Konstitusi; UUD 1945; Negara Hukum

INTRODUCTION

Indonesia clearly affirms its identity as a state based on law as stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which implies that every process and practice in the implementation of national and state life must be based on applicable legal provisions. This concept of a state based on law not only emphasizes the supremacy of law, but also contains the principle of limiting power and protecting the basic rights of citizens. In the modern constitutional tradition, a state based on law is always closely related to the concept of constitutionalism, which requires a constitution as the highest law and the main guideline in exercising state power. Constitutionalism assumes that power is not exercised arbitrarily, but is subject to basic norms that are mutually agreed upon (Wutsqah, 2024). Therefore, understanding the rule of law and constitutionalism is an important foundation in examining the position of citizens' rights and obligations in Indonesia.

Constitutionalism in Indonesia has evolved in line with the dynamics of the nation's history and political experience, which have shaped its own character in state administration practices. From the beginning of independence, the nation's founders recognized that independence meant not only freedom from colonialism but also required a legal system that guaranteed justice and certainty for all citizens. This awareness was reflected in the formulation of the 1945 Constitution, which embodies the basic principles of state governance and recognizes the rights of citizens. The Constitution is not merely understood as a formal legal document, but rather as the embodiment of shared ideals regarding civilized and dignified national life. Analysis of citizens' rights and obligations cannot be separated from the broader framework of Indonesian constitutionalism, rooted in the values of Pancasila (Amin, 2025).

The rights and obligations of citizens are two inseparable elements in national life, as they complement each other and determine the quality of the relationship between the state and its citizens. Citizens' rights guarantee freedom, protection, and the opportunity for equitable development, while citizens' obligations form the basis for creating order, solidarity, and collective responsibility. Without the recognition and protection of rights, the state has the potential to become repressive and disregard human dignity, while without an awareness of obligations, communal life will be vulnerable to conflict and social disintegration. Therefore, the regulation of citizens' rights and obligations in the constitution is strategic in maintaining a balance between individual freedom and the public interest. The urgency of such regulation is increasingly felt when society is faced with rapid social, political, and technological change.

In state practice, public understanding of the rights and obligations of citizens often shows an imbalance, with demands for the fulfillment of rights outweighing awareness of the obligation to fulfill them. This situation has the potential to create tension between citizens and the state, especially when rights are understood in an absolute sense without considering constitutional limitations. Yet, the 1945 Constitution explicitly stipulates that the implementation of human rights must take into account the rights of others as well as moral values, religion, security, and public order. This demonstrates that the Indonesian constitution adheres to the principle of balance between rights and obligations as an inseparable whole. Therefore, an in-depth study of the status of citizens' rights and obligations is crucial for strengthening constitutional awareness in a democratic life (Fayasy Failaq et al., 2022).

The 1945 Constitution of the Republic of Indonesia holds a fundamental position as the highest source of law in the national legal system. Since its enactment on August 18, 1945, the 1945 Constitution has served as the primary foundation for the formation of legislation and the administration of government. Despite undergoing several amendments, the 1945 Constitution maintains its position as a fundamental norm binding on all components of the state. These amendments have strengthened the guarantee of citizens' rights and clarified regulations regarding constitutional obligations. The 1945 Constitution serves not only as a symbol of the state but also as a living legal instrument responsive to societal developments.

The provisions on citizens' rights in the 1945 Constitution are spread across various articles, particularly following the amendments that included a special chapter on Human Rights. These provisions reflect the state's commitment to protecting human dignity and guaranteeing equality before the law for all citizens. However, the recognition of these rights is not unlimited, as the constitution also stipulates provisions regarding restrictions on rights for broader interests. On the other hand, the 1945 Constitution also outlines various obligations of citizens, such as obeying the law, defending the country, and respecting the human rights of others. This demonstrates

that the Indonesian constitution establishes a balanced relationship between rights and obligations as part of civic responsibility.

The question that arises is how citizens' rights are understood and implemented based on the provisions of the 1945 Constitution in state administration. Furthermore, it is necessary to examine how citizens' obligations are constitutionally regulated and to what extent they are understood as part of the essence of citizenship. Another equally important issue is how the balance between rights and obligations is realized in state administration, particularly in situations where individual interests clash with the public interest. These three issues demonstrate the existence of relevant and relevant research areas for in-depth analysis. A comprehensive analysis is expected to provide a more complete understanding of Indonesia's constitutional design regarding citizens' rights and obligations.

Based on the above description, this study aims to analyze the position of citizens' rights and obligations from the perspective of the Indonesian constitution, based on the 1945 Constitution of the Republic of Indonesia. This study also aims to explain the principle of balance between rights and obligations as the foundation of a democratic and just state life. Theoretically, this study is expected to enrich the development of constitutional law, particularly in understanding the relationship between the state and citizens. Practically, the results of this study are expected to serve as a reference for policymakers, academics, and the public in fostering constitutional awareness. Thus, this study contributes to strengthening the implementation of a state based on the rule of law based on the constitution and democratic values.

RESEARCH METHODS

This research employs a normative juridical research method, focusing on the study of written legal norms as the primary object of analysis. This method was chosen because the study aimed to examine the status of citizens' rights and obligations based on the constitutional provisions stipulated in the 1945 Constitution of the Republic of Indonesia. This approach allows researchers to examine law as a hierarchically structured and interrelated system of norms. Law is understood as the rules governing the behavior and relationship between the state and citizens. Therefore, this research positions the constitution as the primary foundation for explaining the relationship between citizens' rights and obligations normatively.

The research approaches used include a statutory approach, a conceptual approach, and a constitutional-historical approach (Field & Field, 2025). The statutory approach examines the provisions of the 1945 Constitution and relevant laws and regulations to understand the normative construction of citizens' rights and obligations. The conceptual approach is used to examine the concepts of the rule of law, constitutionalism, citizens' rights, and citizens' obligations based on the views of

constitutional law experts. Meanwhile, a historical constitutional approach is utilized to trace the development of the regulation of citizens' rights and obligations from the initial formulation of the 1945 Constitution to constitutional amendments. The combination of these three approaches aims to gain a comprehensive and in-depth understanding of Indonesia's constitutional design.

The data sources used in this research consist of primary legal materials and secondary legal materials directly related to the focus of the study. Primary legal materials include the 1945 Constitution of the Republic of Indonesia and various other laws and regulations governing citizens' rights and obligations. In addition, this research utilizes relevant Constitutional Court decisions, particularly those related to the judicial review of constitutional norms, as significant legal references. Secondary legal materials include scientific literature in the form of books, legal journals, academic articles, and previous research findings addressing similar issues. All of these sources are utilized to deepen the normative analysis and provide a strong and comprehensive theoretical foundation.

Data collection in this research was conducted through a literature review, which involved tracing, compiling, and analyzing various previously established legal sources. The collected data was then processed using descriptive qualitative analysis to outline the meaning, position, and interrelationships between legal norms governing citizens' rights and obligations. The analysis process was conducted through a systematic and rational interpretation of constitutional provisions to achieve a coherent and interconnected understanding. The findings of the analysis were then presented in a descriptive-argumentative form to address the research problem formulation. Through this approach, the research is expected to provide a comprehensive picture of the regulation of citizens' rights and obligations within the framework of the Indonesian constitution.

RESULTS AND DISCUSSION

The Concept of Citizens' Rights and Obligations in Constitutional Theory

The rights and obligations of citizens are fundamental concepts in constitutional theory, describing the reciprocal relationship between individuals and the state. Citizens' rights are essentially a set of interests protected by law and guaranteed by the constitution as a form of recognition of human dignity (Muhtar, 2023). Meanwhile, civic obligations are understood as normative demands that must be met by every individual to maintain order and the continuity of national life. These two concepts are not mutually exclusive, but interrelated, forming the basic structure of citizenship. Without the recognition of rights, the state loses its moral legitimacy, while without obligations, freedom has the potential to expand without limits, detrimental to the public interest.

In the theory of the rule of law, the balance between rights and obligations is a key principle determining the quality of the exercise of power (Mahmutovic &

Alhamoudi, 2024). The rule of law is not only tasked with guaranteeing and protecting citizens' rights but also has the authority to establish obligations as a legitimate instrument of social control. This principle of balance aims to prevent excessive state domination while simultaneously preventing the abuse of freedom by citizens. Therefore, rights cannot be understood in absolute terms but are always intertwined with social and legal responsibilities. This balance reflects the constitution's efforts to maintain harmony between individual and collective interests (Wahid et al., 2025).

From a constitutional perspective, human rights are an integral part of citizens' rights, recognized and protected by the supreme law of the state. These rights encompass fundamental freedoms inherent in every human being from birth and cannot be arbitrarily revoked. However, the recognition of human rights is inseparable from constitutional obligations that bind citizens in exercising those rights. Constitutional obligations serve as normative boundaries to ensure that the exercise of rights does not harm the rights of others or the interests of the wider community. Thus, human rights and constitutional obligations form a normative whole within the state system.

Theoretically, the relationship between citizens' rights and obligations demonstrates that freedom is always accompanied by responsibility. The constitution serves as an instrument that regulates this relationship to prevent an imbalance between the demand for rights and the implementation of obligations. Within this framework, citizens are positioned not only as subjects receiving rights but also as active participants in maintaining the rule of law and the integrity of the state. A comprehensive understanding of this concept is crucial for strengthening constitutional awareness in a democratic life. Therefore, constitutional theory places rights and obligations as central pillars in building a just and civilized state based on the rule of law.

Pengaturan Hak Warga Negara dalam UUD 1945

The 1945 Constitution of the Republic of Indonesia comprehensively regulates citizens' rights as a constitutional guarantee of human freedom and dignity. These provisions underwent significant development after the amendment to the 1945 Constitution, which included a special chapter on Human Rights (Rahman et al., 2024). This provision demonstrates the state's commitment to placing citizens as legal subjects with equal standing before the law. These rights are not merely declarative in nature but also carry an obligation for the state to respect, protect, and fulfill them. Thus, the constitution serves as a powerful instrument for protecting rights.

Civil and political rights are an essential part of the citizens' rights guaranteed by the 1945 Constitution. These rights include the right to equality before the law, freedom of expression, freedom of association, and the right to participate in government. Guarantees of civil and political rights are the foundation for a healthy and participatory democratic system. Without adequate protection of these rights, democracy has the

potential to lose its substance and become merely procedural. Therefore, the regulation of civil and political rights in the constitution is strategic for the sustainability of democracy.

In addition to civil and political rights, the 1945 Constitution also guarantees economic, social, and cultural rights as part of the rights of citizens. The rights to work, education, health, and social welfare reflect the state's role in realizing social justice for all citizens. The regulation of these rights demonstrates that the Indonesian constitution emphasizes not only individual freedom but also the state's responsibility to meet the basic needs of citizens. Economic, social, and cultural rights demand an active role for the state through welfare-oriented public policies. This guarantee of rights is closely related to the concept of a welfare state (Wahyudi & Firdaus, 2024).

The state's guarantee of rights protection is affirmed through constitutional provisions that impose limits on rights restrictions. The 1945 Constitution stipulates that rights restrictions may only be imposed based on law and for legitimate purposes. This provision aims to prevent arbitrary actions by authorities that could potentially violate citizens' rights. Furthermore, the Constitutional Court provides a mechanism for reviewing laws deemed to conflict with citizens' constitutional rights. This strengthens the system of rights protection within the framework of a state based on the rule of law.

Overall, the regulation of citizens' rights in the 1945 Constitution reflects the constitution's efforts to ensure a balance between freedom and order (Rahman et al., 2024). Rights are not positioned as privileges, but rather as part of the legal structure that must be respected by all state administrators. With these constitutional guarantees, citizens have legal certainty in demanding protection of their rights. At the same time, the state is required to exercise its authority responsibly. Therefore, the regulation of rights in the 1945 Constitution is a crucial pillar of the Indonesian constitutional system.

Regulation of Citizens' Obligations in the 1945 Constitution

In addition to regulating rights, the 1945 Constitution also establishes the obligations of citizens as an integral part of national life. These obligations are a logical consequence of the recognition of rights granted by the state. Without these obligations, the exercise of rights has the potential to give rise to social disorder and conflict. Therefore, the Constitution positions obligations as a normative instrument for maintaining balance in communal life. This regulation of obligations demonstrates that citizenship carries a dimension of responsibility.

The obligation to obey the law and govern is one of the fundamental obligations affirmed in the 1945 Constitution. This provision demonstrates the affirmation of the principle of the supremacy of law as a key characteristic inherent in the concept of a state based on the rule of law. By obeying the law, citizens contribute to maintaining

order and legal certainty in society. Obedience to a legitimate government is also a crucial requirement for political stability and the continuity of the state. Therefore, this obligation is not merely individual but also has collective implications (Cahyono, 2022).

The obligation to defend the country is a form of citizen responsibility in safeguarding the sovereignty and territorial integrity of the country. The 1945 Constitution affirms that every citizen has the right and obligation to participate in national defense efforts. This obligation is not solely interpreted as a military obligation, but also encompasses non-physical contributions according to each citizen's ability. National defense reflects a collective awareness of the importance of maintaining the nation's existence. Thus, this obligation has ideological, political, and social dimensions (Subekti et al., 2023).

Furthermore, the 1945 Constitution emphasizes the obligation of citizens to respect the human rights of others. This obligation serves as a normative boundary for the exercise of individual rights. Respect for the rights of others is a primary requirement for a harmonious and just society. Without awareness of this obligation, the exercise of rights has the potential to violate the rights of others. Therefore, the obligation to respect the rights of others holds a crucial position in the constitutional system.

Overall, the regulation of citizens' obligations in the 1945 Constitution demonstrates that the Indonesian constitution places responsibility as an integral part of freedom. Obligations are not merely restrictions, but rather instruments for maintaining social and legal balance. By fulfilling their obligations, citizens contribute to maintaining the continuity of the rule of law. This emphasizes that citizenship is not only a matter of rights, but also a commitment to the common good. Therefore, citizens' obligations have strategic significance in state life.

Analysis / Discussion

The relationship between citizens' rights and obligations within the constitutional framework demonstrates a complementary, reciprocal relationship. Rights provide citizens with the freedom to develop and participate, while obligations serve as a control mechanism to ensure that this freedom does not harm the public interest. The Indonesian Constitution balances this relationship by placing rights and obligations within a single normative structure. This balance reflects the view that freedom cannot be separated from responsibility. Thus, the constitution serves as a guardian of harmony between individual and collective interests.

The role of the state in fulfilling citizens' rights is a crucial aspect of constitutional analysis. The state functions not only as a regulator but also as an implementer of constitutional obligations to protect and fulfill rights. Fulfillment of rights requires responsive public policies oriented toward the welfare of the community. However, the state also has the authority to restrict rights under certain circumstances based on legal

provisions. These restrictions must be implemented proportionally and based on legitimate objectives.

Restrictions on rights by the state often generate debate, especially when deemed to violate citizens' freedoms. Therefore, the constitution establishes strict principles of restrictions to prevent abuse of power. Restrictions on rights must be based on law and consider the values of justice and the public interest. Oversight mechanisms for rights restrictions are crucial in a state governed by the rule of law. This is where the role of the judiciary, particularly the Constitutional Court, becomes significant.

The legal implications of violations of citizens' rights can have far-reaching consequences for the legitimacy of the rule of law. Rights violations demonstrate the state's failure to fulfill its constitutional obligations. Legally, these violations can be tested through judicial and constitutional review mechanisms. The existence of these mechanisms ensures that citizens' rights are not only recognized normatively but also enforceable. Thus, rights protection has both preventive and repressive dimensions.

On the other hand, neglecting citizens' obligations also has serious legal implications. Disobedience to the law can undermine public order and trust in the legal system. Therefore, the state has the authority to enforce obligations through proportionate legal sanctions. Enforcing obligations is not intended to arbitrarily restrict freedom, but rather to maintain social balance. This demonstrates the strategic function of obligations within the legal system.

The Constitutional Court plays a central role in interpreting the relationship between citizens' rights and obligations. Through its numerous decisions, the Constitutional Court has emphasized that human rights are not unlimited. These decisions demonstrate that the exercise of rights must take into account the public interest and constitutional values. The Constitutional Court also plays a role in protecting citizens' rights from legislative acts that exceed constitutional limits. Thus, this institution maintains a balance between freedom and restrictions.

An analysis of the Constitutional Court's decisions shows that the approach used tends to be proportional and contextual. The Court does not simply view the constitutional text rigidly but also considers the purpose and impact of any rights restrictions. This approach strengthens the constitution's function as a living and adaptive instrument. In this way, the constitution is able to respond to social dynamics without losing its fundamental values. This demonstrates the constitution's flexibility in maintaining a balance between rights and obligations.

Overall, this analysis demonstrates that the success of a state based on the rule of law depends heavily on the balance between citizens' rights and obligations. The Indonesian Constitution provides a comprehensive normative framework to maintain this balance. The primary challenge lies in its implementation and constitutional awareness among all elements of the nation. Therefore, strengthening understanding

of rights and obligations is an urgent need in a democratic life. This way, the constitution can function optimally as a guideline for state governance.

CONCLUSION

Based on the discussion, it can be concluded that the rights and obligations of citizens in the 1945 Constitution of the Republic of Indonesia are placed in an equal and complementary position as the main foundation of the relationship between the state and citizens. The Constitution not only guarantees the rights of citizens as a form of protection of human dignity, but also establishes constitutional obligations as an instrument to maintain order, justice, and the public interest. The balance between these rights and obligations is an essential principle in the implementation of a democratic state based on the rule of law, because freedom without responsibility has the potential to give rise to social inequality and abuse of rights. Therefore, strengthening the understanding of the relationship between rights and obligations has significant constitutional implications in building citizens' legal awareness. This awareness is expected to encourage active citizen participation in national and state life while strengthening the implementation of the constitution as the highest guideline in the Indonesian legal system.

DAFTAR PUSTAKA

- Amin, F. (2025). Peran Mahkamah Konstitusi dalam Menjaga Prinsip Konstitusionalisme di Indonesia: Studi Putusan Judicial Review Tahun 2019-2024. *R2J*, 7(6). <https://doi.org/10.38035/rrj.v7i6>
- Cahyono, A. (2022). IMPLEMENTASI KONSTITUSIONALISME DALAM PEMERINTAHAN DAERAH (SUATU ANALISIS EVALUATIF). *Sosio Yustisia: Jurnal Hukum Dan Perubahan Sosial*, 2(2).
- Fayasy Failaq, M. R., Almira Arelia, F., Hukum Tata Negara UIN Sunan Kalijaga, P., & Kunci, K. (2022). Merancang Konstitusionalisme dalam Amandemen Penguatan DPD RI. *Sanskara Hukum Dan HAM*, 01(02), 25–36.
- Field, T.-L., & Field, T.-L. (2025). Endumeni and Water Trading in the Superior Courts: Falling Short of a Unitary Approach to Statutory Interpretation. *Potchefstroom Electronic Law Journal* 28. <https://doi.org/10.17159/1727>
- Mahmutovic, A., & Alhamoudi, A. (2024). UNDERSTANDING THE RELATIONSHIP BETWEEN THE RULE OF LAW AND SUSTAINABLE DEVELOPMENT. *Access to Justice in Eastern Europe*, 7(1), 170–197. <https://doi.org/10.33327/AJEE-18-7.1-a000102>
- Muhtar, M. H. (2023). *Teori & hukum konstitusi: Dasar pengetahuan dan pemahaman serta wawasan pemberlakuan hukum konstitusi di Indonesia*. PT. Sonpedia Publishing Indonesia.

- Rahman, A., Sugianto, & Hidayat, D. (2024). Protection Of Human Rights In The Indonesian Constitution: An Analysis Of The 1945 Constitution. *Jurnal Legisci*, 2(2), 130–141. <https://doi.org/10.62885/legisci.v2i2.485>
- Subekti, N., Handayani, I. G. A. K. R., & Hidayat, A. (2023). Konstitusionalisme Digital di Indonesia. *Peradaban Journal of Law and Society*, 2(1), 1–22. <https://doi.org/10.59001/pjls.v2i1.74>
- Wahid, St. H., Nurandini, Ayuninsi, S., Destiani, Salmi, & Haerani. (2025). Warga Negara, Hak dan Kewajiban Warga Negara. *CARONG: Jurnal Pendidikan, Sosial Dan Humaniora*, 2(1), 210–219. <https://doi.org/10.62710/y4a9ws17>
- Wahyudi, F. S., & Firdaus, M. I. (2024). Strategi Komunikasi Desak Anies: Analisis Kampanye Gaya Baru untuk Mencerdaskan Bangsa dan Membangkitkan Semangat Konstitusionalisme dalam Amanat UUD 1945. *Journal of International Multidisciplinary Research*. <https://journal.banjaresepacific.com/index.php/jimr>
- Wutsqah, U. (2024). Diskursus Pembatasan Kekuasaan di Indonesia dalam Perspektif Konstitusi dan Konstitusionalisme. *Jurnal Citizenship Virtues*, 2024(2), 771–784.