



## The Role of Indonesian Constitutional Law in Sustaining National Resilience Amid Global Challenges

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### Article Info:

### Abstract

#### Keywords:

National Resilience, Indonesian Constitution, National Security Law, Legal Framework

**Purpose:** This study examines the role of Indonesian constitutional law in fostering national resilience amid evolving global challenges, including pandemics, climate change, and cyber threats. It aims to analyse how the 1945 Constitution supports national resilience and identify legal gaps that limit its effectiveness. The research also explores potential constitutional reforms to enhance Indonesia's preparedness and response capacity to modern risks.

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**Study Design/Methodology/Approach:** This research employs a normative juridical approach, focusing on doctrinal analysis of legal texts to evaluate constitutional provisions, legislative frameworks, and judicial interpretations. Key legal instruments, such as the 1945 Constitution, national security laws, and disaster management regulations, are critically assessed. Comparative analysis with international constitutional models provides insights into best practices for integrating resilience-focused legal principles.

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**Findings:** The findings highlight Indonesia's constitutional strengths, particularly its emphasis on sovereignty, human rights, social welfare, and governance stability. However, gaps remain, especially in addressing digital security, climate resilience, and transnational threats. The lack of explicit constitutional provisions on these issues, coupled with weak enforcement mechanisms, limits Indonesia's ability to anticipate and respond effectively. This study recommends constitutional amendments to incorporate cyber resilience, climate change adaptation, and pandemic preparedness while strengthening judicial oversight and public participation in legal reforms.

**Originality/Value:** This study contributes to academic and policy discourses by reinforcing the role of constitutional law in sustaining national resilience. It provides practical recommendations for constitutional reform, aligning Indonesia's legal framework with global standards while addressing local vulnerabilities. By adopting a proactive, resilience-oriented legal approach, Indonesia can enhance its legal adaptability and governance stability in the face of emerging global challenges.

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## INTRODUCTION

In the modern era, global challenges are becoming more frequent and impactful, testing the capacity of nations to respond effectively (Giles-Corti et al., 2016). Pandemics such as COVID-19 have underscored the interconnectedness of health, economic stability, and governance, revealing vulnerabilities that disrupt not only public health systems but also global supply chains, social cohesion, and national security (Khan et al., 2021). Economic crises, triggered by both internal and external factors, further strain the ability of states to maintain stability and ensure equitable growth. Simultaneously, the worsening effects of climate change—such as rising sea levels, extreme weather events, and biodiversity loss—pose existential threats, particularly for archipelagic nations like Indonesia (Arora et al., 2018). Additionally, cyber threats are emerging as a significant challenge in an increasingly digitalized world, compromising state security, economic infrastructure, and personal privacy (Dimas Febriawan & Hizra Marisa, 2024).

As these challenges evolve, traditional governance mechanisms and policy frameworks are often inadequate in providing long-term resilience. Many states, including Indonesia, must rethink their constitutional and legal foundations to ensure that they remain relevant and effective in addressing these growing threats. Failure to adapt legal frameworks to contemporary challenges can result in governance inefficiencies, ineffective crisis response, and weakened national resilience. In particular, Indonesia's response to the COVID-19 pandemic, cyber threats, and environmental crises has exposed gaps in its legal and institutional preparedness, raising questions about whether its constitutional framework is sufficiently robust to support national resilience in the 21st century.

The concept of national resilience has gained prominence as a critical framework for addressing these interconnected crises. National resilience encompasses a nation's ability to anticipate, prepare for, respond to, and recover from various threats while maintaining its core functions (Aulianisa & Indirwan, 2020). It is not limited to physical security but also includes economic stability, societal cohesion, and environmental sustainability. The success of national resilience efforts depends heavily on the strength and adaptability of a nation's legal and institutional frameworks. A well-designed constitutional framework provides clear mandates for crisis response, institutional coordination, and the protection of civil liberties during times of emergency. However, gaps in constitutional provisions can lead to fragmented responses, lack of accountability, and an over-reliance on ad-hoc policies rather than long-term strategic governance.

For Indonesia, the role of constitutional law is pivotal in underpinning national resilience. As the supreme law of the land, the 1945 Constitution of Indonesia (UUD

1945) serves as the foundation for governance, rights protection, and state stability (Kennedy, A., & Wartoyo, F. X., 2024). It outlines the structure of government, guarantees fundamental rights, and establishes the principles of sovereignty and national unity. The Constitution also provides a legal basis for responding to emergencies, managing resources, and ensuring the welfare of its citizens. However, in the face of evolving global challenges, questions arise regarding the extent to which the Indonesian Constitution can effectively address these complex threats and sustain national resilience. A key issue is whether current constitutional provisions adequately address contemporary security threats, such as cybersecurity risks, environmental degradation, and geopolitical instability.

The increasing frequency and complexity of global challenges raise significant questions about the adequacy of Indonesia's constitutional framework. The 1945 Constitution was drafted in a different era, with primary concerns centered on independence and national unity rather than the multidimensional global threats we face today. While amendments to the Constitution have addressed certain contemporary issues, the framework may not fully capture the legal and institutional requirements for addressing modern crises such as pandemics, climate change, and cyber threats. Furthermore, the Indonesian Constitution lacks explicit provisions on cybersecurity governance, digital rights protection, and environmental sustainability—three key areas that have become increasingly critical in global security discourses. The absence of these elements may hinder Indonesia's ability to proactively manage emerging threats and effectively coordinate crisis response strategies.

The problem becomes more pressing when considering Indonesia's position as an emerging economy with diverse geographic, demographic, and cultural characteristics (Hill, 2018). The nation's vast archipelagic territory and population diversity require a constitutional framework that is both robust and adaptable to varying regional needs and global pressures. Current provisions may lack the specificity or enforceability needed to tackle emerging threats effectively. Moreover, the implementation of constitutional provisions is often inconsistent across Indonesia's decentralized governance structure, leading to disparities in crisis response effectiveness between regions. While some provinces may have developed stronger institutional capacities to handle disasters and security threats, others struggle with limited resources and unclear governance mandates.

Furthermore, the question of enforcement and implementation of constitutional provisions arises. How well does the constitutional framework translate into actionable policies and practices? Do institutional mechanisms derived from the Constitution provide sufficient support for building and sustaining national resilience? These questions highlight potential gaps in Indonesia's legal architecture that need to be addressed to

ensure long-term stability and security. Despite having broad legal principles governing security and crisis management, the practical execution of these provisions remains inconsistent, leading to governance inefficiencies and, at times, constitutional ambiguities in decision-making processes.

Recent studies within the last decade emphasize the growing importance of Indonesian constitutional law in addressing global challenges and ensuring national resilience (Hapsoro & Rofiqi, 2024). Scholars have examined the role of constitutional provisions in disaster management, human rights protection, and governance during crises (Khan et al., 2021; Romdoni & Runturambi, 2024). For example, the use of constitutional emergency powers has been a focal point of analysis, with debates surrounding their effectiveness and the risk of misuse. Constitutional provisions that regulate emergency declarations, the role of the judiciary in crisis governance, and checks on executive powers during crises must be critically assessed to prevent potential overreach or constitutional erosion in the name of national security.

Literature on Indonesian constitutional law has highlighted its historical evolution and adaptability, particularly through the amendments made between 1999 and 2002 (Seri Mughni Sulubara et al., 2024). However, these studies often focus on democratic transitions and governance rather than resilience to contemporary global threats. Similarly, research on national resilience has primarily concentrated on policy-level interventions, with limited attention to the constitutional basis for such efforts (Hadiwasito, 2024). While constitutional amendments in the early 2000s introduced significant improvements in democratic governance, they did not adequately anticipate the modern security landscape, particularly in addressing issues such as digital security, cyber warfare, and ecological crises.

This gap between constitutional analysis and resilience studies underscores the need for a comprehensive examination of how Indonesia's constitutional framework supports or hinders its ability to address global challenges. While existing literature provides valuable insights, it often lacks an integrated approach that connects constitutional provisions to specific resilience outcomes. A crucial area of focus should be the extent to which Indonesia's constitutional framework facilitates institutional coordination during crises, supports judicial oversight on security measures, and ensures the protection of civil liberties even in times of emergency.

Despite the growing body of literature on national resilience and constitutional law, there is limited research that explicitly examines the role of Indonesia's constitutional framework in sustaining national resilience amid global challenges. While many studies focus on governance, security, or policy responses, few address the constitutional

underpinnings that guide these efforts. Additionally, the dynamic nature of global challenges, ranging from climate change to cyber threats, which requires a re-evaluation of constitutional provisions to ensure they remain relevant and effective (Aulianisa & Indirwan, 2020). This study seeks to fill this gap by providing a focused analysis of Indonesia's constitutional law and its role in supporting national resilience.

This study aims to analyze the role of Indonesian constitutional law in maintaining national resilience and to identify gaps and propose improvements in the constitutional framework to better address global challenges. By addressing these objectives, the study contributes to both academic and practical understanding of how constitutional law can be leveraged to enhance national resilience in Indonesia.

To guide the analysis, the following research questions are posed: How does Indonesian constitutional law contribute to national resilience? and What aspects of the constitutional framework can be enhanced to address emerging global threats? These questions aim to uncover the strengths and weaknesses of the current constitutional framework while exploring opportunities for reform.

By systematically addressing these components, the study aims to provide a comprehensive understanding of how Indonesian constitutional law can adapt to and address contemporary global challenges, ensuring national resilience in the face of uncertainty.

## **Literature Review**

### **National Resilience: Concept and Framework**

National resilience is a nation's ability to anticipate, withstand, respond to, and recover from various shocks and stressors while maintaining stability and functionality (DeWit et al., 2020). It is a multidimensional concept that encompasses political, economic, social, environmental, and legal domains, each playing a critical role in building a nation's capacity to address disruptions. Political resilience refers to the stability and effectiveness of governance systems, ensuring that institutions can function even during crises (Beunen et al., 2017). Economic resilience involves the adaptability of financial systems and policies to absorb economic shocks, such as trade disruptions or financial crises (Betts & Buzzanell, 2022). Social resilience emphasizes the strength of social cohesion and trust in institutions, enabling communities to recover collectively (Saja et al., 2018). Environmental resilience focuses on the ability to mitigate and adapt to environmental challenges, such as climate change and natural disasters (Arora et al., 2018). Legal resilience, which underpins the other dimensions, involves the robustness of constitutional and legal frameworks to provide governance structures, ensure

accountability, and protect rights, particularly in times of crises (Philipsen et al., 2021). Together, these dimensions form a comprehensive framework for understanding national resilience and its importance for sustainable development and security.

In the context of national resilience, constitutional law provides the legal foundation for governance and crisis management. Comparative examples from other nations illustrate how constitutional law can be utilized to enhance resilience. In the United States, the Constitution's system of checks and balances ensures collaboration between branches of government during crises, while federalism allows states to tailor localized responses to specific challenges (Potrafke, 2018). Germany's Basic Law (*Grundgesetz*) explicitly integrates provisions for human dignity, social justice, and environmental sustainability, which are upheld by its Federal Constitutional Court (Norman & Dieter, 2018). In Japan, the Constitution emphasizes peace and disaster management, reflecting the country's experiences with frequent natural disasters. Singapore, as a highly efficient city-state, uses its Constitution to support social cohesion, effective governance, and national security, ensuring resilience in the face of economic and security threats (Mikio, 2021). These examples demonstrate how constitutional law can create adaptable and enforceable legal frameworks to address global and domestic challenges.

Indonesia offers a unique perspective on national resilience, shaped by its geographic, economic, and social characteristics. As an archipelagic state located in the Pacific Ring of Fire, Indonesia is highly vulnerable to natural disasters such as earthquakes, tsunamis, and volcanic eruptions. Its dependency on global trade and investment exposes it to economic fluctuations caused by international crises. Additionally, socio-economic disparities within Indonesia present challenges to equitable development and resource allocation, especially during crises. In this context, national resilience is vital for Indonesia to address these vulnerabilities and sustain progress (Romdoni & Runturambi, 2024). The Indonesian Constitution of 1945 (Undang-Undang Dasar 1945 or UUD 1945) plays a central role in this effort by outlining principles of governance, state sovereignty, and citizens' rights and responsibilities.

The role of constitutional law in fostering national resilience, highlights its significance for addressing Indonesia's specific challenges. The Constitution serves as a legal framework for governance, outlining provisions related to disaster management, human rights, and national security. For instance, during the COVID-19 pandemic, constitutional principles such as the right to health and the state's duty to ensure public welfare informed Indonesia's response. Similarly, the Constitution underpins legislation and policies aimed at mitigating climate change and promoting sustainable development. However, the effectiveness of constitutional law depends on its interpretation and

implementation, which requires robust institutions, judicial independence, and active stakeholder participation.

The importance of national resilience for this research lies in its role as the foundation for Indonesia's ability to address and recover from crises. Legal resilience, as a key dimension of national resilience, is particularly significant because it provides the basis for crisis management and governance (Philipsen et al., 2021). The Indonesian Constitution offers mechanisms for ensuring accountability and maintaining stability, but it must also adapt to emerging global challenges, such as cyber threats and climate change (Aulianisa & Indirwan, 2020). By emphasizing the centrality of constitutional law in resilience strategies, this study contributes to the broader discourse on governance and sustainability in the face of global uncertainties.

The hypothesis formulated in this study builds on the concept of national resilience. It posits that Indonesia's constitutional law provides a foundational framework for fostering national resilience but requires targeted reforms to effectively address contemporary global challenges. This hypothesis is based on the strengths and limitations of Indonesia's constitutional framework. On one hand, the Constitution incorporates principles of state sovereignty, human rights, and decentralized governance, which are essential for resilience. On the other hand, it lacks explicit provisions for addressing modern challenges, such as cyber security and pandemics, necessitating amendments or reinterpretations (Dimas Febriawan & Hizra Marisa, 2024). Additionally, gaps in implementation, such as inconsistent enforcement of laws and weak institutional capacities, undermine the effectiveness of existing provisions.

Comparative insights from other nations suggest opportunities for Indonesia to strengthen its constitutional framework. For example, Germany's emphasis on environmental sustainability and the United States' federal system offers lessons in integrating adaptability and accountability into constitutional law (Norman & Dieter, 2018; Potrafke, 2018). Indonesia could incorporate similar approaches to enhance its legal resilience, such as adding provisions for digital security or codifying emergency response mechanisms for pandemics. These reforms would align Indonesia's constitutional framework with global best practices while addressing its unique vulnerabilities.

### **Indonesian Constitutional Law**

The UUD 1945 serves as the cornerstone of Indonesia's legal and governance systems, drafted during the country's early years of independence, the UUD 1945 provided a concise legal framework that emphasized sovereignty, unity, and social justice. Initially composed of only 37 articles, the Constitution was designed to guide the

newly independent nation through its formative stages. However, as Indonesia evolved, the need for constitutional reform became apparent, particularly during the post-Suharto Reformasi era. Between 1999 and 2002, the Constitution underwent four critical amendments aimed at strengthening democratic principles, promoting human rights, and decentralizing power to regional governments (Sartono, 2009). These amendments also introduced direct elections for public officials and created the Constitutional Court (Mahkamah Konstitusi) as a mechanism for judicial oversight (Kennedy, A., Surya, W. H., Mustika, S. R., & Wartoyo, F. X., 2024). These changes reflect Indonesia's commitment to modernizing its legal framework to meet contemporary challenges while ensuring that its foundational principles remain intact.

Despite its concise nature, the UUD 1945 contains key provisions that are directly and indirectly related to national resilience. These provisions address dimensions such as national security, human rights, governance, and disaster management, which collectively support Indonesia's capacity to anticipate, adapt to, and recover from crises. National security, for instance, is explicitly emphasized in Article 27, which establishes the duty of every citizen to participate in the defense of the state. Article 30 further elaborates on the roles of the Indonesian Armed Forces (TNI) and the National Police (POLRI) in safeguarding national security and maintaining public order. These provisions highlight the Constitution's foundational emphasis on collective responsibility and state sovereignty, both of which are critical to national resilience.

Human rights, a key element of social cohesion and stability, are comprehensively addressed in the Constitution following the second amendment in 2000. Articles 28A through 28J provide explicit guarantees for fundamental rights such as the right to life, freedom of expression, and equality before the law (Kennedy, A., Surya, W. H., Mustika, S. R., & Wartoyo, F. X., 2024). By incorporating these provisions, the UUD 1945 aligns Indonesia's legal framework with international norms and strengthens the social fabric necessary for resilience. Protecting human rights during times of crisis ensures that vulnerable populations are not disproportionately affected, thereby maintaining trust in government institutions and preventing social fragmentation.

Governance, as another pillar of resilience, is enshrined in Articles 1 and 4 of the Constitution, which establish Indonesia as a sovereign state governed by the rule of law. The separation of powers between the executive, legislative, and judicial branches ensures accountability, transparency, and stability, all of which are essential for managing crises effectively (Tiopan et al., 2023). Additionally, the decentralization provisions introduced during the constitutional amendments empower regional governments to address local challenges, fostering a more inclusive and responsive governance system.



While the Constitution does not explicitly address disaster management, its provisions related to public welfare, particularly Article 33, create a legal foundation for addressing such challenges. This article emphasizes the state's responsibility to ensure the welfare of its citizens, which has been operationalized through specific laws and policies such as Law No. 24 of 2007 on Disaster Management. These measures demonstrate the Constitution's adaptability in guiding Indonesia's response to crises such as natural disasters, pandemics, and economic shocks.

The role of constitutional principles in ensuring state sovereignty and stability is another critical aspect of the UUD 1945. The Constitution enshrines Pancasila, Indonesia's state philosophy, as the guiding framework for governance and social harmony. Pancasila's five principles—belief in God, humanitarianism, national unity, democracy, and social justice—serve as the foundation for Indonesia's resilience strategy (Kennedy, A., & Wartoyo, F. X, 2024). By emphasizing national unity and social justice, the Constitution promotes cohesion among Indonesia's diverse population, reducing vulnerabilities that could arise from social divisions.

State sovereignty is further reinforced through the Constitution's emphasis on territorial integrity and the democratic principle that sovereignty resides with the people. Article 1 Paragraph 2 of the Indonesian Constitution explicitly states that all state power emanates from the people, reflecting a commitment to democratic governance. The establishment of the Constitutional Court as a guardian of the Constitution further enhances stability by providing a mechanism for resolving disputes related to constitutional interpretation, election results, and the dissolution of political parties. This institutional stability is essential for fostering national resilience in the face of complex and interconnected challenges.

Previous studies have explored the relationship between constitutional law and national resilience, providing valuable insights into the role of legal frameworks in crisis management. Research by Jadidah (2020) highlighted the importance of constitutional amendments in strengthening democratic governance and promoting decentralization, both of which are key to addressing local vulnerabilities in a diverse country like Indonesia. Similarly, a study by DM et al., (2023) emphasized the role of the Constitutional Court in upholding human rights during crises, noting that its decisions have helped reinforce public trust in legal institutions. Internationally, research by Romdoni & Runturambi (2024) on constitutional resilience frameworks in other countries underscores the need for adaptability in legal systems to address emerging challenges such as cyber threats and climate change. These studies collectively inform the current research by emphasizing the strengths and limitations of Indonesia's constitutional framework in fostering resilience, particularly in light of global challenges.

## Global Challenges and Legal Responses

Global challenges such as pandemics and cyber threats have increasingly dominated the global landscape, presenting multifaceted risks to nations worldwide. These challenges test the robustness of governance systems and the efficacy of legal frameworks in maintaining stability, ensuring security, and protecting human rights. The legal responses to these challenges, both internationally and domestically, reveal the pivotal role of laws and regulations in fostering resilience (Najwa, 2024). For Indonesia, as a nation navigating its unique vulnerabilities and strengths, understanding these challenges within a legal framework is crucial for developing adaptive and sustainable governance strategies.

Pandemics represent one of the most severe global challenges of the 21st century. The COVID-19 pandemic, for instance, disrupted public health systems, paralyzed economies, and exacerbated existing inequalities (Khan et al., 2021). It highlighted the interconnectedness of nations and the vulnerabilities of globalized systems. Public health crises such as pandemics require swift and coordinated responses, emphasizing the need for robust legal frameworks at both national and international levels (Giles-Corti et al., 2016). Legal measures must address multiple dimensions, from public health and economic recovery to human rights and international cooperation. For Indonesia, the pandemic revealed critical gaps in healthcare infrastructure and legal preparedness, prompting questions about the adequacy of existing constitutional and legislative provisions in addressing such crises.

Similarly, cyber threats have emerged as a formidable challenge in the digital age. With increasing reliance on digital infrastructure, nations face growing risks of cyberattacks targeting critical sectors such as finance, energy, and defense (Dimas Febriawan & Hizra Marisa, 2024). These threats are not confined to individual states; they often involve transnational actors, necessitating international legal cooperation. Cybersecurity issues also raise concerns about data privacy, misinformation, and the protection of fundamental rights in digital spaces. Indonesia, as a nation experiencing rapid digital transformation, must grapple with these risks while ensuring its legal frameworks keep pace with technological advancements (Aulianisa & Indirwan, 2020).

The international legal community has developed several frameworks to address pandemics and cyber threats. For pandemics, the International Health Regulations (IHR), adopted by the World Health Organization (WHO), serve as a cornerstone of global health governance. The IHR obliges member states, including Indonesia, to enhance their capacities for disease detection, reporting, and response. While these regulations provide a framework for international cooperation, their implementation has been uneven, as seen

during the COVID-19 pandemic (Giles-Corti et al., 2016). Indonesia's adherence to the IHR reflects its commitment to global health standards, but it also exposes the limitations of domestic legal and institutional systems in fulfilling these obligations effectively.

In the realm of cybersecurity, international legal efforts have been less cohesive. The Budapest Convention on Cybercrime, a treaty developed by the Council of Europe, is one of the most prominent international agreements addressing cybercrime. Although Indonesia is not a signatory to this convention, its principles influence global discourse on combating cyber threats (Dimas Febriawan & Hizra Marisa, 2024). Indonesia's domestic legal framework, such as Law No. 1 of 2024 on Electronic Information and Transactions Law (UU ITE), reflects some alignment with international norms but has faced criticism for overreach and potential misuse, raising concerns about its impact on human rights and digital freedoms.

Additionally, the United Nations has initiated discussions on norms and principles for responsible state behavior in cyberspace, emphasizing the importance of international cooperation and accountability (Zhang, 2024). For Indonesia, participation in these discussions is vital for shaping global cybersecurity governance while protecting its national interests.

The relevance of these international legal frameworks to Indonesia lies in their ability to inform and guide domestic lawmaking and policy development. In the context of pandemics, the IHR highlights the need for Indonesia to strengthen its healthcare system and legal infrastructure to ensure compliance with international standards. For instance, the enactment of Law No. 6 of 2018 on Indonesia's Health Quarantine which has been replaced by Law No. 17 of 2023 on Health demonstrates an effort to integrate global health governance principles into domestic law. However, the COVID-19 pandemic revealed challenges in its implementation, such as unclear authority lines between central and local governments and inadequate enforcement mechanisms.

In cybersecurity, the influence of international norms is evident in Indonesia's efforts to develop a comprehensive legal framework for digital security. The establishment of the National Cyber and Encryption Agency (BSSN) reflects a growing recognition of the importance of cybersecurity at the national level (Dimas Febriawan & Hizra Marisa, 2024). However, gaps remain in addressing emerging threats, such as artificial intelligence-driven cyberattacks, and in balancing security concerns with the protection of digital rights.

The interplay between international and domestic legal frameworks underscores the importance of constitutional law in ensuring that Indonesia's responses to global challenges are effective, equitable, and aligned with its commitments to international

norms (Praprini et al., 2019). Constitutional provisions, as the supreme legal authority, must provide a foundation for integrating international legal principles into domestic governance while safeguarding national sovereignty and local contexts.

## METHODS

This study adopts a normative juridical method, focusing on a doctrinal analysis of legal texts to explore the role of constitutional law in sustaining national resilience amid global challenges (Budianto, 2022). The normative juridical approach is particularly suited for analyzing the legal principles, norms, and frameworks that underpin Indonesia's national resilience. By examining the Indonesian Constitution and related legal instruments, this method provides a comprehensive understanding of how constitutional provisions and their interpretations contribute to addressing contemporary challenges such as pandemics, economic crises, climate change, and cyber threats.

The doctrinal approach used in this study allows for a systematic examination of legal sources, including primary sources (the 1945 Constitution and related laws) and secondary sources (legal literature, judicial decisions, and academic commentaries). Through this approach, the study identifies legal gaps and inconsistencies in the constitutional framework concerning national resilience. Additionally, this method facilitates an evaluative analysis of existing legal provisions by considering their interpretation, enforcement, and implications for governance stability.

The normative juridical approach used in this research centers on the analysis of primary legal texts and their application in real-world scenarios (Sunggono, 2019). The primary focus is on the 1945 Constitution of Indonesia and its amendments, which form the foundation of Indonesia's legal and political systems. The Constitution is analyzed to identify provisions relevant to national resilience, such as those addressing governance, security, fundamental rights, and the state's responsibilities during crises. The study also considers how these provisions have evolved through constitutional amendments and whether they remain adequate and responsive to contemporary threats.

In addition to the Constitution, this study examines related legislation and policies that operationalize constitutional principles (Soekanto & Mamudji, 2024). For instance, the Disaster Management Law provides a legal framework for mitigating and responding to natural disasters, a critical aspect of resilience in a country prone to earthquakes, tsunamis, and volcanic eruptions. Similarly, the Cyber Security Law is analyzed to understand how Indonesia's legal system addresses the growing threats posed by digital vulnerabilities. In this context, the study assesses the alignment of these laws with constitutional principles and their effectiveness in implementation.

Furthermore, judicial interpretations from the Constitutional Court (Mahkamah Konstitusi) are a key focus, as the Court plays a critical role in interpreting constitutional provisions and ensuring their alignment with contemporary needs. These interpretations provide insight into how constitutional principles are applied to address specific challenges and crises. By analyzing landmark constitutional court rulings, this study explores whether existing jurisprudence supports or limits national resilience and how judicial review contributes to the adaptation of constitutional norms to global challenges.

To enhance the depth of legal analysis, this study also incorporates a comparative legal approach by examining how other countries have integrated constitutional provisions to strengthen national resilience. Comparative analysis is conducted by reviewing Germany's approach to constitutional environmental protection, Japan's constitutional disaster response framework, and the United States' emphasis on cybersecurity law. By drawing insights from these jurisdictions, this study evaluates whether Indonesia's constitutional framework requires further amendments or reforms to address evolving threats effectively.

The study identifies and examines specific provisions of the 1945 Constitution that relate to national resilience, such as those concerning state sovereignty, public welfare, disaster management, and human rights. Each provision is analyzed to assess how it contributes to building and sustaining resilience in the face of global challenges (Benuef & Azhar, 2020). The analysis also considers how these provisions interact with related legislation and policies to form a cohesive legal framework.

The study also evaluates the effectiveness of Indonesia's constitutional and legal mechanisms in addressing identified challenges, such as pandemics, climate change, and cyber threats (Soekanto & Mamudji, 2024). This evaluation involves assessing the adequacy of existing provisions, the efficiency of their implementation, and their adaptability to emerging threats. Judicial interpretations by the Constitutional Court are also reviewed to understand how legal principles have been applied in practice and whether they adequately address contemporary issues.

To ensure comprehensive analysis, this study follows these systematic steps:

1. Identifying relevant constitutional provisions that impact national resilience.
2. Mapping related legal instruments (laws, regulations, policies) that translate constitutional principles into practical governance mechanisms.
3. Evaluating judicial interpretations from the Constitutional Court to assess their role in shaping resilience policies.

4. Comparing Indonesia's constitutional resilience framework with select international models to highlight strengths and weaknesses.
5. Identifying legal gaps and proposing targeted constitutional or legislative reforms.

By combining these steps, the research aims to provide a comprehensive understanding of how Indonesia's constitutional framework supports national resilience. The analysis highlights strengths, identifies gaps, and proposes recommendations for enhancing the legal system's ability to respond to global challenges. Additionally, by integrating comparative insights and judicial perspectives, this study contributes to the broader discourse on how constitutional law can evolve to sustain national resilience in an increasingly complex global environment.

## RESULT AND DISCUSSION

The role of constitutional law in fostering national resilience lies in its ability to provide a robust framework for governance, policy development, and the protection of citizens' rights during crises. In the context of Indonesia, the Constitution serves as the cornerstone of national stability, offering key provisions that address security, welfare, and state defense. However, despite its strengths, the Constitution also reveals gaps and limitations when faced with complex global challenges. The Indonesian Constitution contains several provisions aimed at promoting and safeguarding national resilience. These provisions reflect the state's commitment to protecting its sovereignty, ensuring public welfare, and responding to threats effectively. Key articles include those addressing national security, state defense, and public welfare, which together form the pillars of Indonesia's resilience framework.

### Strengths of the Indonesian Constitutional Framework

Articles 27 paragraph 3 and Article 30 of the Constitution explicitly emphasize the role of citizens in defending the nation. Article 30, in particular, outlines the responsibilities of both the state and its citizens in maintaining national security, stating that:

"Every citizen has the right and duty to participate in the defence and security of the state."

This provision underscores the collective nature of national resilience, framing security as a shared responsibility between the government and the people. Furthermore, Article 10 grants the President authority as the Supreme Commander of the Armed Forces, ensuring centralised leadership in matters of national defence.

Economic resilience is also supported through Articles 33 and 34, which underpin economic democracy and social welfare policies. Article 33 mandates state control over critical resources, such as natural assets and key industries, reducing vulnerabilities arising from economic disparities and external dependencies. Meanwhile, Article 34 focuses on social justice, obliging the state to provide adequate social protection systems, including poverty alleviation, education access, and public healthcare services.

While the Constitution does not explicitly address disaster management, its principles serve as the foundation for existing laws and policies that govern crisis response. Articles 28H and 28I guarantee the right to health and safety, both of which are critical during emergencies. These articles provide the legal basis for Law No. 24 of 2007 on Disaster Management, which integrates constitutional principles into operational disaster preparedness and response mechanisms.

These provisions collectively establish a constitutional foundation for resilience, covering security, economic welfare, and governance stability. However, the implementation and adaptability of these provisions are equally important in determining their effectiveness in real-world applications.

### **Gaps and Limitations in the Constitutional Framework**

Despite the strengths of the Indonesian Constitution in fostering resilience, there are notable gaps and limitations that hinder its ability to address contemporary global challenges. These shortcomings are particularly evident in areas such as technological advancement, climate change, and cross-border threats, which require more dynamic and integrated legal frameworks.

One significant limitation of the Constitution is its lack of explicit provisions addressing modern global challenges, such as cybersecurity, climate change, and pandemics (Samekto & Purwanti, 2021). While the Constitution provides a broad framework for governance and security, it does not specifically address the unique vulnerabilities posed by technological advancements, such as cyberattacks or digital misinformation (Dimas Febriawan & Hizra Marisa, 2024). Similarly, the absence of direct references to environmental sustainability limits the state's ability to integrate constitutional principles into climate change mitigation and adaptation strategies (Arora et al., 2018).

The provisions governing state emergencies, particularly Article 12, grant the President significant authority to declare a state of emergency. However, the lack of detailed guidelines and safeguards for the exercise of these powers raises concerns about potential abuse and overreach. This ambiguity became evident during crises such as the

COVID-19 pandemic, where the balance between public health measures and individual freedoms was contested (Khan et al., 2021).

Additionally, the implementation of constitutional principles often lacks coherence and efficiency. Overlapping authorities between central and regional governments have led to inconsistencies in disaster response and public health management (Pratiwi, 2021). This fragmentation undermines the effectiveness of constitutional provisions, particularly in decentralized governance systems.

Another key shortcoming is the limited emphasis on preventive measures within the constitutional framework. Although the Constitution promotes social welfare and security, it primarily focuses on reactive crisis responses rather than proactive risk mitigation. This gap is particularly problematic in areas such as climate resilience and public health, where prevention is more effective and cost-efficient than mitigation (Kartika, 2023). These limitations underscore the urgent need for constitutional reform and legislative innovation to address the evolving threats of the 21st century. A forward-thinking constitutional approach could enhance Indonesia's ability to anticipate, prevent, and respond to emerging crises.

### **Case Studies: Applying Constitutional Principles to Real-World Crises**

To understand the practical application of constitutional principles in fostering national resilience, it is essential to examine case studies of Indonesia's responses to specific crises. These cases provide insights into the strengths and limitations of the constitutional framework in real-world scenarios. The COVID-19 pandemic tested the resilience of nations worldwide, and Indonesia was no exception. Constitutional principles, particularly the right to health (Article 28H) and the state's duty to protect public welfare (Article 34), informed the government's response. The issuance of Government Regulation in Lieu of Law (Perppu) No. 1 of 2020 on The State Financial Policy and Financial System Stability for Handling the Coronavirus Disease 2019 (COVID-19) Pandemic and/or in the Context of Addressing Threats that Endanger the National Economy and/or Financial System Stability has allowed the government to reallocate budgets and implement extraordinary measures to address the health and economic impacts of the pandemic.

However, the response also revealed significant challenges, such as the lack of coordination between central and regional authorities and the tension between public health measures and civil liberties (Sulasih, 2023). The Constitutional Court played a crucial role in resolving disputes related to these measures, reinforcing its position as a guardian of constitutional rights.



Indonesia's geographic location makes it highly susceptible to natural disasters, such as earthquakes, tsunamis, and volcanic eruptions. The 2004 Indian Ocean tsunami highlighted the importance of constitutional principles in disaster response. Following the disaster, the government enacted Law No. 24 of 2007 on Disaster Management, which incorporates constitutional provisions on public welfare and security into a comprehensive framework for disaster preparedness and response. While the legal framework has improved disaster management, challenges remain in implementing constitutional principles effectively. For instance, the decentralization of governance has led to disparities in disaster preparedness and response capabilities across regions, undermining the overall resilience of the nation.

Indonesia's vast natural resources are both a strength and a vulnerability. Deforestation, mining, and climate change pose significant threats to environmental sustainability and national resilience. Although the Constitution mandates state control over natural resources (Article 33), its implementation has often been inconsistent, with weak enforcement of environmental regulations (Mukhlis & Lutfi, 2016). The government's response to these challenges has included legal and policy measures, such as the establishment of peatland restoration programs and commitments to reduce greenhouse gas emissions. However, the absence of explicit constitutional provisions on environmental protection limits the integration of these efforts into a broader resilience strategy.

The findings demonstrate that the Indonesian Constitution provides a strong foundation for national resilience, with provisions addressing critical areas such as security, welfare, and governance. However, gaps and limitations in the constitutional framework hinder its ability to address modern global challenges effectively. The case studies of constitutional responses to the COVID-19 pandemic, natural disasters, and environmental challenges highlight the strengths and weaknesses of Indonesia's legal and institutional systems.

### **Recommendations for Strengthening Constitutional Resilience**

To enhance national resilience, it is essential to address existing gaps through constitutional reform and legislative innovation. This requires incorporating provisions on emerging threats, clarifying emergency powers, and strengthening preventive measures. By adapting its constitutional framework to the realities of the 21st century, Indonesia can build a more resilient and sustainable future.

A critical challenge lies in the limited enforcement mechanisms ensuring that resilience-related provisions are effectively implemented. Although the Constitution guarantees fundamental rights and disaster management responsibilities, translating these

principles into actionable and enforceable policies remains a challenge (Tarigan, 2017). Bureaucratic inefficiencies, resource constraints, and political fragmentation frequently undermine the implementation of resilience-oriented policies, particularly at the regional level. This disparity between constitutional principles and practical enforcement weakens Indonesia's overall resilience efforts.

Recognising these weaknesses presents opportunities for reforming Indonesia's constitutional framework to enhance its capacity for resilience. One key area for improvement is incorporating explicit provisions on emerging threats, such as cyber resilience and pandemic preparedness (Khan et al., 2021; Najwa, 2024). For example, constitutional amendments could introduce clear clauses mandating the state to protect critical infrastructure from cyber threats or ensuring equitable access to healthcare during public health emergencies. These provisions would provide a stronger legal foundation for developing comprehensive strategies and allocating resources to mitigate such challenges effectively.

Another crucial area for reform lies in strengthening the judiciary's role in interpreting and enforcing resilience-oriented principles. The Constitutional Court, while already playing a vital role in upholding constitutional values, could be further empowered to address issues related to global challenges. This could involve expanding its jurisdiction to review policies on cybersecurity, climate change, and disaster management, ensuring that they align with constitutional resilience principles. Additionally, the judiciary could adopt a more proactive approach in promoting environmental justice and safeguarding the rights of vulnerable populations affected by climate change and other crises.

Insights from other nations' constitutional frameworks provide valuable lessons for enhancing Indonesia's national resilience. For example, several countries have incorporated disaster clauses or emergency provisions into their constitutions, ensuring clear legal guidance during crises. Japan, for instance, has constitutional provisions empowering the government to take swift action during natural disasters, enabling a coordinated and effective response (Mikio, 2021). Similarly, South Korea has integrated cybersecurity and digital governance into its legal framework, reflecting the increasing importance of digital resilience in the modern era (Kim, 2014).

Another relevant example comes from Germany and Portugal, where strong environmental protection clauses guide national policies on climate change and sustainability (Aguiar et al., 2018). By embedding these principles into its constitutional framework, Germany ensures that environmental resilience remains a top national priority, supported by legal mandates that hold both government institutions and private

actors accountable. Indonesia could draw upon these examples to strengthen its own constitutional provisions, particularly in addressing climate change and environmental vulnerabilities.

The findings of this study align with existing academic and policy discussions on the role of constitutional law in fostering resilience. Scholars emphasise that constitutions serve as living documents that must evolve to address new realities, reinforcing the need for Indonesia to adapt its constitutional framework to contemporary challenges (Aguiar et al., 2018). This study contributes to the broader discourse by highlighting the strengths and weaknesses of the Indonesian Constitution, offering practical recommendations for reform, and drawing upon comparative insights to bridge existing legal gaps.

By embedding resilience principles into its constitutional framework, Indonesia can establish a legal foundation that not only responds to crises but also anticipates and mitigates risks. This approach necessitates a delicate balance between preserving constitutional stability and allowing for flexibility, ensuring that the Constitution remains both relevant and robust in an era of uncertainty.

## CONCLUSION

This study examines the role of Indonesian constitutional law in maintaining national resilience in the face of global challenges, focusing on the research questions and objectives established at the outset. The findings indicate that the 1945 Constitution provides a robust legal foundation for resilience, emphasising state sovereignty, social welfare, human rights, and governance. Key provisions, including Articles 27, 28, 30, and 33, reinforce national security, economic stability, and public welfare during crises. However, significant gaps persist, particularly in addressing contemporary threats such as cybersecurity, climate change, and pandemics. The absence of clear constitutional provisions to explicitly regulate these threats, combined with insufficient enforcement mechanisms, limits the Constitution's capacity to anticipate and respond to evolving global risks.

This study identifies several areas for constitutional reform, including the integration of resilience-focused amendments, the reinforcement of the judiciary's role in interpreting and addressing global challenges, and the adoption of best practices from international legal frameworks to enhance adaptability and effectiveness. A comparative analysis of constitutional resilience models in other nations, such as Japan's disaster response mechanisms, South Korea's cybersecurity policies, and Germany's environmental protection laws, highlights potential legal strategies that Indonesia could implement to bolster its national resilience framework.

The findings of this research have important implications for constitutional reform and policy development, particularly in enhancing Indonesia's capacity to manage contemporary and future crises. By incorporating specific legal provisions that directly address pressing challenges, Indonesia can establish a more resilient and forward-looking constitutional framework. It is crucial for policymakers, legal scholars, and governance experts to explore targeted constitutional amendments, particularly in relation to cyber threats, environmental protection, and public health emergencies. Strengthening institutional coordination and ensuring judicial oversight will also be essential in securing the effective implementation of resilience-related provisions.

Moreover, future research should expand on this analysis by examining the effectiveness of regional governance in applying constitutional resilience principles. A deeper investigation into Indonesia's decentralised governance system and its capacity to uphold national resilience measures will provide valuable insights into policy effectiveness. Furthermore, conducting comparative studies on resilience-oriented constitutional frameworks in other developing nations could offer useful recommendations for Indonesia's legal reform process.

Another critical area for further exploration is the role of public participation in shaping resilience-related legal reforms. Greater public engagement in constitutional amendments, legal awareness campaigns, and policy advocacy can reinforce the democratic legitimacy of resilience-building efforts. Legal education initiatives and civic engagement programmes could serve as key instruments in ensuring that constitutional principles translate into effective governance and societal resilience.

By embedding resilience principles into its constitutional framework, Indonesia can establish a legal foundation that not only responds to crises but also anticipates and mitigates emerging risks. Achieving this requires a measured approach, balancing constitutional stability with the flexibility needed to address modern challenges. Ultimately, a more adaptive and forward-thinking constitutional framework will enable Indonesia to navigate the uncertainties of the 21st century, fostering sustainable national resilience against evolving global threats.

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