



# Implementation of Fulfillment of Constitutional Rights in the Perspective of National Resilience

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**Abstract.** Like other countries, Indonesia has a responsibility to protect the constitutional rights of its citizens. This has been outlined in the amendment of the 1945 Constitution (UUD 1945). As a party obliged to fulfill constitutional rights, the government has the authority to implement them into laws and regulations and by the nation's philosophy, namely Pancasila. The fulfillment of these rights is closely related to national resilience, so it is necessary to know the implementation of citizens' constitutional rights and their relation to national resilience. This research uses normative methods with a statutory approach. The state, which in this case is run by the government, has tried to fulfill constitutional rights by making rules in line with the 1945 Constitution and Pancasila. However, in its implementation, the fulfillment of these rights is influenced by the wheels of government, so the election of state executors greatly affects the fulfillment of these rights. Fulfilling these rights also affects social resilience in preventing conflicts that threaten national security. Because factors within the country itself influence the national resilience possessed by a country in addition to defense forces in maintaining national security, the fulfillment of citizens' constitutional rights is the main indicator in improving national security so that stability within the country can be carried out properly and create a sense of peace between citizens and reduce threats that occur from within.

**Keywords:** Implication, Constitutional Rights, National Resilience.

## 1 Introduction

In the amendment of the 1945 Constitution, Pancasila became the basis for the formation of the 1945 Constitution by expressing the nation's ideals and the purpose of the nation's life.[1] Including regulating the rights of citizens which are the responsibility of the state carried out by the government, all Indonesians have the same right to get protection and welfare. The definition of Rights in the big dictionary Indonesian includes the authority or possession in doing something in accordance with the stipulated laws, regulations and other provisions. As well as the right to demand something and authority in accordance with the law.

The values in Pancasila contain many things related to the nation's life. Not only does it contain obligations, Pancasila also binds the rights that all citizens must obtain.[2] Implementing citizens' rights is the government's responsibility as a custodian of obligations. However, implementing citizens' rights cannot always go hand in hand with the rules contained in the Constitution. In implementing the Articles in (the 1945 Constitution), the government makes regulations that must contain the values of

Pancasila so that citizens feel the impact of achieving the values of the country's philosophy. The rules contained in the 1945 Constitution must not violate or be in line with Pancasila, because Pancasila as a state philosophy is a benchmark for state achievement in the maintenance of life.[3]

The formation of regulations is of course always related to how the constitutional rights of citizens are fulfilled.[4] Laws and regulations are the basis for how or programs for the implementation of rights are implemented. Government bodies, both Executive and Legislative, become one of the bodies that have the authority in terms of making laws and regulations. As a body that is given the authority to make laws and regulations, of course, the representation of the body affects how the implementation of citizens' constitutional rights. So that the government as the holder of the authority determines how the fulfillment of these rights is achieved. In this case, the community has a role in choosing who will run the wheels of government. General elections determine how the exercise of constitutional rights will be carried out. If the rights of citizens are implemented, of course, it can increase public defense and participation in national defense that endangers the state and nation. [5] The concept of national resilience involves various aspects, including aspects of state welfare and security.

Observing this, it is necessary to know how the implementation of the fulfillment of citizens' constitutional rights so that the achievement of citizens' rights can be seen and become a benchmark in increasing national resilience.

## **2 Discussion**

### **2.1 The constitutional rights of citizens in the 1945 Constitution are based on the nation's philosophy.**

The 1945 Constitution, which serves as a legal document outlining the ideals, principles, and guidelines for running the country.[6] If seen in the preamble of the 1945 Constitution, all Indonesians have the same rights in obtaining protection and welfare in carrying out their lives that must be fulfilled by the state.

In addition to including the ideals of the nation as described above, the rules contained in the 1945 Constitution reflect the values of Pancasila, including the protection of rights that must be based on the values of Pancasila. In the 1945 Constitution Human rights are basic rights of citizens that require state protection. Human rights are elevated to constitutional rights by being enshrined primarily in the constitutions of countries that rank higher in the hierarchy of ordinary legal standards.[7] Human rights are contained in Chapter X concerning citizens and residents. As a result of the arbitrary actions of the state in the past the position of the community that was not balanced in relation to the state, human rights emerged as a community effort.[8] Society is in an impossible position because it does not have authority, but on the other hand the state becomes a stronger party because it has authority and power.[9]

In theory, the constitution of every democratic country should guarantee the rights of citizens as well as fundamental rights.[10] The implementation of this right includes the right to vote for the executive body and the state legislature, because the right to vote determines how the fulfillment of citizens' rights is further carried out by the results

of the election. The government resulting from the implementation of democracy will run the wheels of government, including making laws and regulations. The regulations formed must be based on the country's constitution and also the nation's philosophy, namely Pancasila. The values contained must be implemented by the state and also citizens in order to increase state resilience. The constitutional rights contained in the 1945 Constitution include:[10]

### **The right to an equal position before the law**

All communities have equal standing before the law, as stated in the country's constitution in Article 27a. Given the importance of this right, the government made a law that is expected to strengthen the protection. Law No. 9 of 1999 on Human Rights and Law No. 8 of 1981 on Criminal Procedure Law that guarantee equal treatment before the law require the government and law enforcement to treat everyone in the same way. This can be shown during the judicial process from arrest to judicial verdict by taking into account the rights of suspects or people suspected of committing criminal acts.[11]

Law Number 48 of 2009 concerning the Main Provisions of Judicial Power regulates the implementation of citizens' rights in applying the principle of protecting human dignity and dignity. The principles include:[12]

- a. Do not discriminate against persons in Court.
- b. The trial is conducted simply, quickly, and at low cost.
- c. A person should not be tried unless specifically provided by law
- d. A person may not be punished, unless the court finds guilty of the offence and after using valid evidence.
- e. A person may be arrested, detained, searched or confiscated based on a written order from an acting authority.
- f. Before the issuance of a court verdict a person is guilty and has acquired permanent legal force, then the person is presumed innocent.
- g. Any person who is arrested, not in accordance with applicable law or as a result of misconduct, is entitled to compensation and rehabilitation.

Looking at the above, it can be said that in the laws and regulations, human rights and dignity have been determined based on the values of Pancasila, which is expected to strengthen the protection of every citizen's rights.

### **The right to employment and a decent living**

The idea of human rights in Indonesia is applied to Law Number 39 of 1999 concerning human rights which includes the right to a decent life for citizens, although it is not specifically mentioned that the right to a decent life can be seen as a component of the economic, social and cultural rights mentioned earlier.[13]

A decent life usually refers to a standard of living in which basic human rights and needs are met. In the 1945 Constitution an adequate life is explicitly regulated in Article 27 paragraph (2), the Article explains that every citizen has the basic right to the ability to work and an adequate standard of living which the state must certainly provide.[14] By working people can regain their dignity and dignity by improving their standard of living, even though they must be faced with the fact that in Indonesia job prospects are

very difficult to obtain. But basically obtaining a job is a citizen's right as stated in Article 28D paragraph (2) which emphasizes the right of everyone to work, choose the type of work and profession, and receive fair remuneration and treatment, thus creating legal requirements to ensure fairness in the workplace and prevent labor exploitation.[15]

The right to obtain a decent job and life reflects the value of the second Pancasila sila which states that Indonesia upholds a just and civilized humanity. A decent life should be obtained by the Indonesian people as a form of government responsibility in implementing the 1945 Constitution.

### **The right to associate and express thoughts**

Freedom of expression is important in Indonesia because it is a fundamental human right, which is protected by Law Number 39 of 1999 concerning Human Rights and other international covenants. It is essential for personal development, social interaction, and democracy. However, these freedoms are reportedly increasingly curbed in the digital space, especially during the Covid-19 pandemic. Therefore, the balance between maintaining order and respecting freedom of expression is the main focus that the state must carry out.[16]

The importance of freedom of opinion is stated in Article 28E (3) and Article 28F of the 1945 Constitution, which explicitly states that everyone has the right to freedom to express thoughts and attitudes verbally and in writing and so on. However, that does not mean freedom of opinion is not at all restricted. Law Number 19 of 2016, which is an amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions, provides restrictions, especially in the digital space. Restrictions may be placed to protect the rights of others, national security, public order, public health, or public morals.

Freedom of expression in the Indonesian Constitution is closely related to Pancasila, as outlined by the section "wisdom in consultation / representation" of the fourth precept, this freedom must not undermine the spirit of unity and mutual respect among the Indonesian people. although the Indonesian Constitution guarantees freedom of expression.

### **Religious Rights**

The right of individuals to be free of religion and to have faith is a right owned by Indonesian citizens, including the freedom to change religion/residence, practice religion/residence, and freedom not to have religion. A human right protected by the state is the freedom of individuals to have religion and belief. The State guarantees every Indonesian citizen freedom of religion according to his religion and belief.[17] Religious tolerance is important in Indonesia because of its multi-religious society. This can prevent, minimize, and even eliminate social conflicts. Given that social conflicts often raise religious issues that cause chaos and harm not only to the conflicting parties, but also to all parties, a peaceful situation is needed to protect all Indonesian people. This is also in line with the objectives of the state/preamble to the 1945 Constitution. Achieving religious tolerance also requires awareness of the need to avoid hostility in matters of faith.[18]

Article 28I regulates the right to practice religion and guarantees the right to practice one's religion without discrimination. This article also recognizes and respects the rights and cultural identity of indigenous peoples in line with the progress of civilization of the times. The government is responsible for protecting, promoting, upholding and fulfilling human rights including the practice of religion.[18]

### **The right to obtain health facilities**

Health is a new type of human rights that is included in the 1945 Constitution contained in Article 28H (1) and Article 34 paragraphs (3) and (4). In an effort to implement this right, the government contains regulations that provide protection for health rights, namely the provisions of Law No. 36 of 2009 concerning Health in which not only regulates rights but obligations and responsibilities in the implementation of health facilities among them that the government, both regional and central, is responsible for the implementation of health by centralizing social functions, values and norms and professional ethics that must be carried out.

And responsible for efforts to improve health facilities at least meet basic health needs that can reach all communities. The right to obtain health facilities must reflect the values in Pancasila with comprehensive social justice for all people, that the community must obtain "social justice for all Indonesian people" that all people have adequate health facilities for the achievement of justice.

### **Citizen's Right to Education**

Article 31 is a manifestation of one of the ideals of the Indonesian nation contained in the preamble to the 1945 Constitution. In realizing these ideals, it is appropriate that every citizen must be able to access education. It has been stated in the mandate of the 1945 Constitution which is the philosophy and legal basis of the Unitary State of the Republic of Indonesia under education is the initial basis in actualizing the meaning of Pancasila and the substance of the 1945 Constitution.[19] therefore, how to prioritize the Education sector as a means to achieve national-scale growth is the most crucial factor in the implementation of state obligations and responsibilities that are very optimal for citizens.[8]

In the amendment to the 1945 Constitution, "the right to education is affirmed in Article 28C paragraph (1) and Article 28E paragraph (1). Article 28C paragraph (1) of the 1945 Constitution reads as follows: Everyone has the right to develop himself through the fulfillment of his basic needs, the right to education and to benefit from science and technology, art and culture, in order to improve the quality of life and for the welfare of mankind." Meanwhile, Article 28E paragraph (1) of the 1945 Constitution reads as follows: "Everyone is free to profess religion and worship according to his religion, choose education and teaching, choose employment, choose citizenship, choose residence in the territory of the state and leave it, and has the right to return."

Provisions governing the National Education system as contained in Article 17 (1) and (2) of Law No. 20 of 2003 concerning the National Education System which was formed with efforts to provide education rights by the state. The right to education is one of the basic rights that must be given by the state to all people, because obtaining education is the mind and goal of the state as stated in the 1945 Constitution.

### **Rights of the poor and abandoned children**

The right to welfare is another privilege that every citizen has. Abandoned children have equal rights to protection from discrimination.[20] In accordance with their human dignity, they also have the right to live well and interact with society in a reasonable way with other children.[21] Based on Article 34 paragraph (1) of the 1945 Constitution which reads "The poor and abandoned children are cared for by the state" it is the basis for the right of all citizens trapped in the cycle of poverty to be protected by the state and to protect and ensure their survival. According to the Article, the state shall bear responsibility for the maintenance and development of the abandoned child.[21]

There are provisions governing abandoned children and the poor, including;

1. Law No. 13 of 2011 concerning the Handling of the Poor

Provide a legal basis for the state in dealing with the poor, including abandoned children. This law stipulates the protection, fulfillment of rights, and empowerment of the poor, and regulates social assistance programs aimed at them.

2. Government Regulation Number 42 of 2002 concerning Poverty Alleviation:

This provision regulates poverty alleviation in general, including the protection and fulfillment of the rights of the poor and abandoned children. This regulation provides a basis for the government in formulating poverty alleviation policies and programs in Indonesia.

3. Government Regulation N 46 of 2011 concerning the Implementation of Social Welfare

This provision regulates the implementation of social welfare in general, including the protection and empowerment of the poor and abandoned children. This regulation provides a foundation for the government to organize social welfare programs aimed at them.

Caring for the poor is a reflection of the principles of the second precept in Pancasila which explains that the Indonesian nation upholds a just and civilized humanity.

## **2.2 The relationship of constitutional rights of citizens and the implementation of constitutional rights of citizens in the perspective of National Resilience .**

The government is the executor of the fulfillment of the constitutional rights of citizens contained in the constitution of the 1945 Constitution which was formed based on Pancasila which requires the government to protect these rights. The government's efforts are carried out by building strong legal regulations so that the implementation runs in accordance with the mandate of the constitution and the values of Pancasila. The government in this case the Executive and Legislative bodies have the authority in the formation of laws and regulations, the government has the right to propose and form draft laws. The government's responsibility in this is very important for the achievement of citizens' rights because governments that carry out their obligations with full responsibility and justice can fulfill these constitutional rights and improve welfare for their people. Indonesia as a democratic country upholds the values contained in the fourth precept of Pancasila. As a democratic country, Indonesia runs an electoral system in choosing the country's government. General elections are the main means for the community in declaring state sovereignty, the community has a role in choosing who will

run the wheels of government so that people need to be smart in choosing candidates who will run the wheels of government.

The impact of the general election results is expected to be able to realize programs that can improve people's welfare. Welfare in this case contains the rights of citizens who are the direct responsibility of the government as the party holding authority. The election of these government candidates affects the fulfillment of people's rights which can then be seen from the direction and policy of the government. The government issued various policies in implementing these rights such as ensuring access to education, health and justice. This includes social welfare rights needed by all people based on the value of justice stated in Pancasila.

A number of basic rights are outlined in the 1945 Constitution, and various laws and regulations established by the government. To implement this basic right, the government establishes departments and elaborates them through laws and regulations and various government policies. The government established regulations regarding human rights that are in line with the nation's view of life and the 1945 Constitution issued through MPR decree Number XVII / MPR / 1998 concerning Human Rights which is further elaborated in the Human Rights Law.[22]

The government implements various measures and policies in protecting and advancing these rights, these various policies can be seen from the ratification of regulations formed by the government. One of the government's policies in protecting this right can be seen through Law No. 5 of 1998 concerning the Ratification of the Convention Against Torture, Law No. 29 of 1999 concerning the Ratification of the Convention on Anti-Race and Discrimination.[23]

The establishment of the Human Rights Law certainly aims so that the basic rights of every community can be protected so that human rights violations do not occur. But in reality, there are still human rights violations that are often passed by the government as the state organizer. As is known that these violations are divided into 2 types;[24] namely, gross human rights violations and minor human rights violations. Gross human rights violations result in criminal acts against the body, soul, dignity, civilization, and human life resources which are divided into two. namely the crime of genocide and crimes against humanity. While minor human rights violations are violations that do not threaten one's life, but do not endanger life.

The implementation of other constitutional rights under the authority of the government under the 1945 Constitution include:

#### **The right to an equal position before the law**

The principle of equality in legal standing must be considered in terms of legal substance and its application in court. The principle of equality referred to in Human Rights specifies that differences are permissible as long as they aim to benefit and protect those who are differentiated, not to marginalize or isolate them. [25]The concept of equal standing in the eyes of the law, which is often associated with equality and legal justice, is very important for national resilience. Legal equality ensures that all individuals and entities are subject to the same set of laws and legal consequences, thereby increasing social justice, helping to reduce conflict, and strengthening national unity and strength.[26]

Legal standing can affect national resilience can be done in several ways.[27] First, the relationship between government and society is outlined in law and law becomes a mechanism for fostering and maintaining that relationship. To ensure that national development goals can run in an orderly, directed and consistent manner, the development of legal functions will ensure the authority of law and strengthen its role in development. Second, the law also serves as a framework to reinforce and protect national sovereignty. As an example of the implementation of this right, it is the application of the Principle of Legality applied in Indonesia.

Law Number 48 of 2009 concerning the Main Provisions of Judicial Power regulates the implementation of citizens' rights in applying the principle of enforcing fair and non-discriminatory laws, in this case the government has the authority to ensure that law enforcement officials namely police, prosecutors and judges carry out their duties without discrimination. Government policy in enforcing fair laws is carried out through its role as a framer of laws and regulations and also actions taken by state administrative agencies or officials in carrying out government affairs. Such actions must be carried out equally and fairly without discrimination. Policies taken by the government should apply the law applied equally and fairly, citizens are more likely to respect it, which leads to overall social and political stability, which in turn supports national resilience. In the context of national security, this means that every individual, society, and institution has the right and responsibility to maintain the security and sovereignty of the nation.

### **The Right to Work and a Decent Livelihood**

Article 27 paragraph (3) of the 1945 Constitution can be said to be the basis for the right to obtain work and decent livelihood for all Indonesian people. As a state of law, the purpose of the state is to provide protection to all its citizens, including to provide jobs in order to promote welfare. In Indonesia, achieving a decent standard of living not only involves decent work but must also meet fundamental requirements in the areas of health, education and social welfare. Some of the important laws that facilitate decent livelihoods in Indonesia include:

1. UUD 1945
2. Law No. 13 of 2003 on Manpower
3. Law No. 20 of 2003 concerning the National Education System.
4. Law No. 36 of 2009 concerning Health.
5. Law No. 40 of 2004 concerning the National Social Security System

The concept of Pancasila, as an ideology, worries about the values of equality and humanity in state life.[28] In its implementation, the right to a decent life is closely related to national resilience, one of which is in obtaining a decent life, including good education, adequate health facilities, and livelihoods that meet basic needs, is an effort to develop the quality of life of Indonesian people.[29] If you look at the current government policy, there have been efforts in terms of social welfare, namely establishing social welfare programs to provide financial assistance to the community and also by providing training programs for skills needed to find decent work. However, on the side of government policy programs that do not fully run as intended, there are still shortcomings that are still felt by the community in economic needs. There are challenges in bringing this regulation into real implementation, as ensuring collaboration



between the government and the private sector in providing equal employment opportunities is difficult to implement.

If the fulfillment of a decent life is fulfilled, it also provides a foundation for individuals to engage in the development of the country and maintain social stability.[30] By meeting basic needs, individuals have sufficient motivation and energy to participate in activities that support the development of the nation. National resilience covers various aspects, including territorial defense, economic security, political stability, and social sustainability. Obtaining a decent life is an integral part of national resilience, because people who are prosperous and have equitable access to education, health, and decent livelihoods will be better able to contribute to building and maintaining the resilience of the country.[31]

### **The right to associate and express thoughts**

The Indonesian government has issued Law No. 2 of 2017 concerning amendments to Law No. 17 of 2013 concerning Community Organizations which, broadly speaking, can relate to the operation of community organizations, potentially affecting the rights to assembly and association. In the International Covenant on Civil and Political Rights which has been ratified in Law No. 12 of 2005 provides provisions in association and assembly and expressing opinions.[32]

The implementation of this right can be complex and vary significantly, especially in terms of surveillance of foreign organizations which has potential implications for national security. The right to association is often balanced against other interests such as maintaining order and security within a country. The right to association has a clear link to national security.[33] On the one hand, this right allows the population to engage in collective action, forming social, professional or political organizations that contribute to a living and participatory democracy, which strengthens national resilience.

But on the other hand it is undeniable that the abuse of this right, can pose a threat to national security and unity. For example, foreign organizations have the potential to introduce ideologies that are incompatible with the basic principles of the state, such as Pancasila and the 1945 Constitution in the case of Indonesia. The unregulated scope of activities can also facilitate malicious intrusion. To balance these aspects, Indonesia has enacted Law No. 17 of 2013 and Government Regulations No. 58 and 59 of 2016 that require foreign organizations to respect national sovereignty, benefit society, respect local social and cultural values, and abide by Indonesian law. Such regulatory measures serve to maintain national resilience while upholding the right to association.

### **Religious Rights**

Religious rights are closely related to national resilience because religious freedom and tolerance between followers of different religions are essential to promote social harmony:[34] Accepting and respecting religious diversity can ensure social and political peace and order, which is essential for the integrity of a country and avoid radicalism because of the dangers of religious intolerance and discrimination and radicalism can threaten the stability of the country.[35]

The legal basis that guarantees freedom of religion in Indonesia is regulated in Article 28E paragraphs (1) and (2) of the 1945 Constitution which provides provisions for

freedom of religion and belief in accordance with one's conscience. In addition to the 1945 Constitution, freedom of religion is also regulated in Article 22 of the Human Rights Law. In 1966, the UN General Assembly ratified the International Covenant on Civil and Political Rights in Article 18 of the ICCPR providing that everyone has the right to freedom of thought, belief and religion.

Although everyone has the right to freedom of religion or belief and is recognized as a human right, it does not mean that it is not restricted because everyone is required to respect the rights of others. Restrictions imposed by law shall be applied to the exercise of this privilege. Therefore, the exercise of human rights must still comply with legal restrictions.[36] Religious rights have a great relationship with the resilience of the state, especially the Indonesian state which has various beliefs. The application of religious values in a diverse society is a channel for inter-religious harmony that can be an instrument in measuring national resilience.

### **The right to obtain health facilities**

The right to obtain health as stated in Article 28H (1) of the Constitution normatively states that citizens have the right to obtain health services which are the obligation of the state to fulfill this right. The 1945 Constitution as the ideals of the entire Indonesian nation and also as guidelines and rules that should be obeyed and implemented in order to achieve the ideals of the nation. The regulation also requires the state government to fulfill this right by creating programs that can have an impact on fulfilling the rights of citizens

The government has the responsibility to provide health services and public facilities to support citizens' rights in terms of health. Every citizen must have access to health services provided by the state without distinction on any basis. The reason for getting health services is not only the human right of every citizen but a source in increasing national resilience. This is because adequate and quality health facilities can have an impact in handling healthy human resources.[37]

If you look at the implementation of health facilities related to national resilience, during the Covid-19 pandemic, the government tried to provide adequate health facilities, but on the other hand, the lack of health facilities by the state greatly affected national resilience when the Covid-19 epidemic hit. The results of the national resilience laboratory measurement showed a decrease in the national resilience index which began from 2.82 to 2.70 during the Covid 19 pandemic. Thus, the existence of equitable access to health and health facilities makes it easy for people to get the health services they need. This will help prevent the spread of disease, strengthen public health, and maintain socio-economic stability. The capacity of health facilities can play a role in strengthening National Resilience with the existence of healthy human resources and able to contribute to improving national development.[38]

### **Citizen's Right to Education**

The right to education is a basic right that must be obtained by the community.[39] The existence of education is very important as recognized and stated in the 1945 Constitution Article 31 (1) which specifies that the community has the right to basic education and must be financed. Education plays a very important role to ensure the survival of the nation and state. In the process of organizing education in Indonesia, the state's obligation in fulfilling the right to education is because education has a very important role in a country because the fulfillment of the right to education affects human resources in a country. These human resources are very influential on the progress of the country and the resilience of a country.

The right to education if fulfilled properly can increase the country's resilience because superior human resources become the great foundation of a country. Education plays a role in the formation of human resources that are expected to face challenges in the development and defense of the country. Good education will improve the quality and skills of individuals, so that they can contribute optimally in national development and defense. And education also aims in awareness of the rights and obligations that must be carried out by citizens. Through education, individuals can understand the importance of playing an active role in maintaining the integrity and interests of the country. They can also understand the rights they have and the obligations they must fulfill.

The implementation carried out by the government in the field of education greatly affects the progress of human resources in Indonesia in the future. The government fulfills the right to education through various policies carried out by the education department. The policy is in the form of scholarship programs for the community who will continue their education to a higher level, and provide educational assistance to underprivileged students in school. But on the other hand, the government has an important role in terms of providing educational facilities, quoted on the kompasiana page based on lokadata calculations in 2018 through BPS data, the percentage of villages without educational facilities in Indonesia reached 7.9% or 6,680 villages did not have educational facilities from a total of 83,931 villages. This uneven educational facility affects the quality of human resources. Thus, the right to education has an important role in maintaining national resilience. Quality education can form human resources who are ready to face challenges and play a role in the development and defense of the country. Education also raises awareness in strengthening understanding of the concept and importance of national resilience.

### **Rights of the poor and abandoned children**

In Article 34 of the 1945 Constitution, the poor and abandoned children are cared for by the state, which can be interpreted as the government is responsible for the maintenance and guidance as protection of the poor and abandoned children.[40] The definition of an abandoned child is a child who for some reason does not fulfill his rights as a child, both physically, emotionally, and socially. Law No. 39 of 1999 concerning Human Rights and Presidential Decree No. 46 of 1990 concerning the Ratification of the Convention on the Rights of the Child.[2] Abandoned children are the same as children in general who have the right to protection. They should have the same basic rights as children in general, namely civil liberties, family environment,

alternative caregivers, basic health and welfare, education, recreational activities and special protection.[2]

Provisions governing abandoned children and the poor. Some of them are as follows:

1. Law Number 13 of 2011 concerning the Handling of the Poor:
2. UUD 1945:
3. Government Regulation Number 42 of 2002 concerning Poverty Alleviation:
4. Government Regulation Number 46 of 2011 concerning the Implementation of Social Welfare

It is important to understand and follow these regulations to ensure that their rights are protected and their basic needs are met. The rights of the poor and abandoned children are closely linked to national resilience by providing care and protection to those in difficult conditions, contributing to social stability and reducing the potential for conflict and instability that could threaten national security.[21] And citizens feel recognized and supported by the state, they will feel included in society and have equal opportunities in contributing to national development and defense.

States can improve their human resource standards by providing care and access for underprivileged and abandoned children by fulfilling basic rights such as education and health. Human resources become an important asset in building national resilience, because they can contribute optimally to the development and defense of the country. In the context of national security, it is important for the state to ensure that the poor and abandoned children are met. By paying attention to and protecting them, countries can build strong social resilience and prevent potential conflicts and instability that could threaten national security.

The role of the government in implementing the constitutional rights of citizens through policies and programs implemented affects national welfare. The achievement of social welfare has a close relationship to increase national resilience. National strength becomes very important when dealing with various kinds of threats that are present both from outside and from within or directly or indirectly that can endanger the survival of the nation. In achieving national goals, national resilience includes national security and national welfare.[41] Seeing that in its implementation, national security is the responsibility of the state, especially the apparatus in carrying out protection duties, but on the other hand, national security also includes social welfare which is manifested in the form of management, and the development of national potential and strength for the prosperity of society, nation and state.[41]

National welfare is the goal of the implementation of rights that have been established by the state. On the other hand, this welfare is part of the formation of national resilience because it cannot be separated from the community as part of the state that is entitled to get this welfare as stated in the 1945 Constitution.[42] National welfare can be widely understood as a form of the quality of the implementation of citizens' rights such as the quality of health, and prosperity of a nation, including the provision of public services such as education, health, social security, and others. National welfare certainly has the concept that citizens live in a state of peace and prosperity without feeling deprived of their lives. The achievement of national resilience connected to national welfare cannot be separated from the implementation of rights as stated in the country's constitution, namely the 1945 Constitution and also the implementation of values from

the state philosophy, namely Pancasila.[43] The concept is in line with the national interest of the state in managing and developing the potential of national power, by making Pancasila the nation's philosophy of life, the basis of the State and national ideology. State welfare can certainly be carried out well if in making laws and regulations equipped with attitudes and responsibilities of state leaders who prioritize national welfare, if the neglect of these rights can trigger conflicts between citizens and abuse of power for personal, group and group interests.[44]

So in the implementation of rights must be based on the value of Pancasila, so that the philosophy and ideology of the state can be carried out properly and the achievement of the ideals and goals of the nation.[45] The implementation of rights must be carried out fairly without exception, because justice is a basic right that must at least be implemented by the government so as to create welfare with a sense of peace between citizens. Basic justice is the initial principle in the implementation of the rights of foreign citizens which in this case is carried out by the government.

So it can be said that national resilience is closely connected with the implementation of rights that have been regulated in laws and regulations formed by the government which must be based on the constitution and Pancasila. With the achievement of the implementation of citizens' rights and the achievement of national welfare, it certainly affects national security, because it can increase security stability by not having conflicts from within the state.

### 3 Conclusion

The Indonesian nation has constitutional rights that need to be given protection by the state. The government must strive to implement this right by making regulations that are in line with the mandate of the 1945 Constitution and Pancasila. In its implementation, the fulfillment of constitutional rights is influenced by the wheels of government, so that the election of state executives greatly affects the fulfillment of these rights. The fulfillment of these rights also affects strong social resilience in preventing conflicts that threaten national security. Because national resilience possessed by a country is influenced by factors within the country itself in addition to defense strength in maintaining national security, the fulfillment of constitutional rights in terms of welfare is the main indicator in improving national security so that stability in the country can be carried out properly and create a sense of peace between citizens and reduce threats that occur from within.

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